

11
12



Sir Joseph Copley Bart.

4
101
101-

11
12



Sir Joseph Copley Bart.

4
101
101-

John Mayhew
1855

Casa

J

5453

.704

n

T
d
r
fe
y
b
ha
ru
T
qu
Fl

N
que
pro
lic
yad
ion
era
re

A Breviate of the Prelates intolerable usurpations, both upon the Kings Prerogative Royall, and the Subjects Liberties.

Ezechiel. 34. 2. to 11.

Thus saith the Lord God unto the Shepherds of Israell that doe feed themselves: Should not the Shepherds feede the Flock? Yee eate the fat, and yee cleath you with the wooll, yee kill them that are fed, yee feede not the Flocke. The diseased have yee not strengthened, neither have yee healed that which was sicke, neither have yee bound up that which was broken, neither have yee brought againe that which was driven away, neither have yee sought that which was lost, but with force & with cruelty have you ruled them, &c. Therefore, O yee Shepherds, heare the word of the Lord. Thus saith the Lord God, Behold I am against the Shepherds, and will require my Flocke at their hand, and cause them to cease from feeding the Flocks, neither shall the Shepherds, feede themselves any more, for I will deliver my Flock from their mouth, that they may not be meat for them.

Bernardus de Conversione Pauli Serm. 1. & super Cantic. Serm. 77.

Nunquam deest persecutio Christiano, Sed neque Christo. Et nunc quod gravius est, ipsi Christum persequuntur qui ab eo utique Christiani dicuntur. Amici tui proximi adversum te appropinquant tunc & steterunt. Egressa est iniquitas à Senioribus iudicibus Vicariis tuis, qui videntur regere populum tuum: non est iam dicere, ut populus, sic Sacerdos, quia nec sic populus ut Sacerdos. Heu heu Domine Deus, quia ipsi sunt in persecutione tua primi, qui videntur in Ecclesia tua Primatum diligere gerere Principatum. Misera eorum conversatio, plebs tua miserabilis subversio est: Atque utinam sola hac parte noverint, Iusta omnino querimonia, nec ad ullam justitiam quam ad nostram referenda aetatem, Parum est nostris vigilibus quod non servans vos, nisi & perdant.

Published by W. HUNTLEY, Esquier.

Edition 3. much enlarged.

In the Yeare 1637.



To the high and mighty Prince,
Charles, by the grace of God, of
England, Scotland, France, and
Ireland, King; Defender of the
Faith, &c.

Most gracious *Souveraigne*,
 meeting with this compendious Re-
 monstrance of the Prelates late dainge-
 rous encroachments, both upon your
 owne Prerogative Royall, and your Sub-
 jects Liberties, compiled by a late lear-
 ned Gentleman, out of a zeale to your Majesties ser-
 vice, and your peoples good: I could doe no lesse in
 point of allegiance to your Highnes, and true affec-
 tion to my Countries weale, then prostrate it in all
 humility, at your Royall feet, imploring your Prin-
 cely acceptation of it. The rather because it was o-
 riginally destinated to your Majesty by the author;
 whom I heard oft complaining, that it was the infe-
 licity, sometimes, of the best Princes (by reason of
 the unfaithfulnesse and misrepresentations of those

4
State-agents whom they most imployed, and least suspected,) to be utterly ignorant of the true state both of their owne and the Republikes affaires, beleiving all things to be uprightly done, and managed, when it is nothing lesse, relating which matters respect that memorable speech of *Aurelian the Emperor* (registered by *Flavius Vopiscus* in the History of his life,) *There is nothing more difficult, then to raigne well. For our chiefe Counsellors of State* (ayming at nothing but their owne private ends) *assemble and take Counsell together how to deceave the Emperör, informing him, that such and such projects are to be allowed, and put in execution; The Emperör imprisoned, as it were at home, utterly ignorant of the truth of things, is constrained to know that onely which they informe him of, and to doe nothing else but what they direct him. Whereupon hee makes those Judges whom hee ought not, and remooves those from the Repnblike whom hee should retaine. In a word, as Dioclesian himselfe said; a good, cautious, yea the best Emperör is sold and abused by his most indeared instruments; whiles hee seeth all things onely with their eyes, heares nothing but with their eares, and executes all things with their hands. The consideration whereof, as it instigated the Author originally to compile; so it hath animated mee to enlarge this Breviate (with the addition onely of some late occurrences;) and to present this third Impression of it to your Highnes veiw, (though perchance with some hazard to my person and estate, by reason of the Prelates great swaying power and implacable malice:) wherein as in a Christall glasse, your Majesty may est soone dif-*

discerne the insufferable usurpations of your ungrateful Bishops, upon your owne Royall Preheminences and your Subjects Liberties: (contrary to all Law and justice,) in their true naked coulors, uncased of all such false varnishes, and specious glosses which themselves have cast upon them, to cover their deformity; and delude your Majesties senses, who suspect no such blacke workes of darknes under their pure white Rochets.

^a Cleobolus was wont to say, that a Prince was happy if hee trusted to none of his flattering Minions; and I may adde, that Christian Kings are ever happiest, when they lend not their eares overmuch to the noxious enchauntments of ambitious Prelates; Who to advaunce their owne power, accomplish their owne aspiring designs, feare not to [†] arme Princes against their Subjects, Subjects against their Princes, one Christian King and Kingdoms against another, to the imbruing of their hands without cause in one anothers blood: as Abbas Vespergensis, Naclerus, Aventine, Mashe & Paris in their histories, Theodoricus a Niem, Zabarell and Iohannes Marius De Schismate, Benno Cardinalis, and Balau in the lives of Hildebrand and Boniface; Master Fox in his Acts and Monuments; and (to omit all other) Doctor John White, in his Defence of the Way, chap. 6. have plentifully manifested.

^b Theopompus being demanded, by what means a King might safely keepe his Kingdome? Replied, if hee give his freindes free liberty of speech, (to acquaint him with things amisse:) and avenge the injuries done to his Subjects,

^a Plutarchi Convivium.

[†] See Socrates

Scholast. Eccl. Hist.

l. 4. c. 14.

to. 25. l. 2.

c. 38. and

Master Tyndales Pra-

dices Pra-

dices of Po-

fish Pre-

lates Doctor

Barnes his

Supplication

to King Hen-

ry the 8.

Thes. and 6.

part of the

Homily a-

gainst Re-

bellion.

* Page 168

269. 174.

175. 178.

181. 184.

to 134.

248. 249.

303. 320.

321. 350.

409. 410.

479. 533.

1035.

1036.

1132.

1897.

1899.

^b Plutarch.

Lacon. Ago-

thegmata.

jects, as much as may be; the later of which hee can never execute without the former.

† Plutarch.
De Adulatione, lib.

c Plutarch.
Apothegm.

But alas, this is the [†] usuall misery of Princes (and people too,) that they have many flattering Prelates and Courtiers to misinforme and sooth them; few faithfull Counsellors impartially to acquaint them of things that are amisse. It is storied of King c Antiochus; that being hunting on a time, in the pursuite of his game, hee strayed away from all his freinds and Courtiers; whereupon hee was enforced to enter in a cottage of poore men, unknowne: As hee sate at supper with them, hee beganne to discourse with them, concerning the King and his government; whereupon the poore men replied; that Antiochus was of himselfe a very good King, but hee committed the managing of most of his Kingly affaires to his freindes and Courtiers, who were ill men; himselfe meane while, out of his overmuch love of hunting, negligently omitting necessary things; by reason whereof his people were oppressed, and things ill governed. The King for the present held his peace, but the next morning when his guards came to the cottage, and brought him his purple robes and diadem, by which hee was knowne to be the King: hee thereupon spake thus to his Courtiers; from the day I first received my robes and crowne, I never heard true speeches of myselfe till yesterday.

What this King spake concerning himselfe, I feare your Majesty may in a greater measure averre, concerning your Prelates audacious disloyall encroachments upon your selfe, and your Subjects: that you never received any true and full relation of them, since you were a King, till now they were re-

pre-

Altho
a Christi
les, how
there gu

presented to you in this Epitome, and that they and
their Proceedings are farre other then what you have
hitherto bene informed, and ever tooke them to be.
I doubt not but the Prelates with their favorites, have
oft inculcated this idle false Paradoxe to your Ma-
jesty: * **N O B I S H O P N O K I N G**: as
if Prelates were the onely pillars, patriotes, suppor-
ters of Princes, Monarchies, and Prerogatives, whose
Soveraignty would fall quite to ground, did not the
Bishops rocheded shoulders (like so many *Atlases*),
hold up their tottering thrones. Yet the severall Sta-
tutes of Provision and Trammure, in sundry of your
Royall Progenitors raignes; the Statutes of 25. H. 8.
c. 14. 19. 20. 21. 26. H. 8. c. 1. 28. H. 8. c. 10.
37. H. 8. 17. 1. & 2. Phil. and Mary, c. 8. 1. Eliz. c.
1. 5. Eliz. c. 1. 23. Eliz. c. 1. 7. Jacobi. c. 4. 5. the 5.
and 6. Homilies against disobedience and willfull Rebellion.
The second part of the Homily for Whitsunday, p. 214. 215.
216. *Mashe w Paris, Mathew Westminster, Howeden,*
Malmesbury Nubrigenfis, Walsingham, in their sever-
all histories of England, and others out of them;
Master William Tyndall in his Practise of the Popish Pre-
lates, Doctor Barnes in his Supplication to King Henry the
eight p. 988. &c. William Wraghton in his hunting of the
Romish Fox; Master Fish in his Supplication of Beggars,
Henry Stalbridge in his Exhortatory Epistle, Master John
Fox in his Acts and Monuments, Master Haddon, Contra
Acts and Monuments: p. 961. 963. Yea Master William Tyndall in his Obedience of
a Christian-man p. 114. saith: That Kings are but shadowes, vaine names, and idle Tit-
les, having nothing to doe in the world; but what the Pope and Bishops please; which bee
there put at large and in Practise of Popish Prelates.

* Yet King
Henry the
third when
hee heard of
the death of
Hubert
Archbishop
of Canter-
bury, rejoy-
ced at it, say-
ing, Now at
last I am
King of
England: as
if hee had
bene no
King (as in
truth hee
was not)
whiles hee
lived and
bare sway:
Antiquita-
tes Eccles.
Brit. p. 144.
And King
Henry the 8.
thought
himselfe but
halfe a King
as long as
the Clergy
bare sway: &
trembled
before
halfe his Sub-
jects: Fox.

i Balaz
Scriptor.
Brit. Cent.

9. c. 54.

a Defence of

the Apology

part 5. c. 6.

divis. 6. 7.

8. 9. 10. So

a. 9. Divis. 1.

e Discourse

of the true

difference

betweene

Christian

Subjection

and Anti-

christian

Rebellion.

f Defence of

the way. c. 6.

g Irish Re-

ports. The

case of Pra-

munire.

h Register

part 2. f. 36.

i Fox Acts &

Monuments

p. 961.

k Tyndalls

Practise of

Papish Pro-

lutes.

Fox Acts &

Monuments

1381. An-

tiqu. Ecclef.

Brit. p. 30.

& 139.

140. 141.

Oforium, f. 243. to 253. 292. 293. *Thomas Gylson his*
Proditiones Prelatorum a conquestu. *Antiquitates Ec-*
clesiæ Britanica in the lives of *† Stephen Langham, Beckêt.*
Anselme, Boniface, Arundell, Peckam, Winchester, and
other Archbishops of Canterbury, to omit. *a Bishop*
Jewell, Bishop & Bilson, Decdr f. John White, Sir & John
Davis, Pleshy Morney his History of the Papacy,
with forraigne historians of all sorts, together with
the writes of Ad lura Regia, and the severall Prohibi-
tions in our b Lawbookes, testify: that not onely the Bis-
hops of Rome, and forraigne Prelates, but even our owne
English Bishops too, i (the Popes sworne Vassals, Legates,
creatures heretofore) have beene ever the greatest, violen-
test, and most professed; open, common enemies to the ab-
solute Monarchie and Prerogative of Christian Empe-
rors, Kings, Princes, wresting the spirituall, if not the tem-
porall, sword and scepter out of their hands, arrogating ei-
ther one, or both of them to themselves alone, as their pe-
culiar right; ingrossing not onely all spirituall Jurisdiction
and Ecclesiasticall power into their owne hands, but tem-
porall too: and that k principally by creeping into the se-
cret Counsell of Princes, and the greatest swaying officers
of State, thereby subjecting the temporall Jurisdiction to
the commaund and pleasure of the spirituall, that so they
might as much as in them lay abolish, obscure and delete
the power given by God to the Princes of the earth, gather
and get to themselves the sole governement and rule of
the world, (as the Statute of 37. H. 8. c. 17. resolves)
and play Rex in every place without controll. Neither
is this true only of Popes, or our owne Papish Prelates,

in fo
seve
of D
The
Rob
Ar
Wi
He
Giff
Ad
che
Ely
der
ano
Sti
Gyl
Le
Wo
San
Al
Wo
W
B
wi
ag
Bu
tel
L
th
le
M

in former ages, of which there can be * no question; the * For AEs
 severall Treasons, conspiracies, Rebellions and Mutinies & Monu-
 of Dunstan, Robert, Lanfranke, Anselme, Williom Corbell, ments,
 Theobald, Edmond, Becket, Hubert, Stephen Langhton, P. 326. 327.
 Robert Winchelsie, Walter Reynolds, Iohn Strafserd, 409. 410.
 Arundell, Henry Deawe, Archbishops of Camerbury, 350. 1035
 William de sancta Maria, Roger Niger, Fulco Basses, 1036.
 Henry de Sandwich, Bishops of London, William 1897.
 Gifford, Henry de Blohes, Iohn Gernsey, Henry Woodloke, 1899.
 Adam de Arldon and Steven Gardner, Bishops of Win- 533. 303.
 chester, William Longchamp, and Eustachius, Bishops of Gualtherus
 Ely: Hugh Wallis, Henry Burwash, Hugh Norant, Alexan- Contra Hier.
 der de Sevensby, and Robert Strehton, Bishops of Coventry, Oforium. 1.3
 and Lichfeild, Roger the third Bishop of Salisburi, Robert to 153.
 Stillington, George Nevill, Luis, Maugre, Raivelinus, Antiquita-
 Gyles de Burise, Ralfe, Thomas Rushooke, Iohn Fishay, tes Ecclesie
 Lewes, Iohn Trevaux, Bishops of Bath and Wels, Exeter, Brit. and
 Worcester, Hereford, Chichester, Rochester, Bangor, and Bishops in Bishop Ged-
 Sant Assaph, Alcredus, Geoffry, Thomas de Corbridge, win bn Ca-
 Alexander Nevill, Richard Scroppe, George Nevill, Thomas talogue of
 Woodsie, Edward Lee, Archbishops of Torke, Egelwyn, their sever-
 William Rairliphe, Ranulph Flambard, and Anthony Beake, rall Lives:
 Bishops of Durham, Thomas Merkes, Bishop of Carlisle, Speedi Hi-
 with others, (all great Traitors, Conspirators and Rebels,) story of great
 against most of your Majesties Royall Progenitors Wives. Brittanie.
 But likewise of those, who professe themselves Pro- P. 554. 565
 testant Bishops, and your Majesties most obedient 570. 574.
 Loyall Subjects, in this our present age. Who though 582. 584.
 they have so much ingenuity yet left, as to acknow- 1034. Dr.
 ledge they received their Bishopricks from your Barnes bu
 Majesties meere grace; notwithstanding they are Supplication.
P. 188.
189. &c.

B

growen

I Do for Iohn

White his

Defence of

the way c. 6.

Bp. Jewels

Defence of

the Apology

part. 5. c. 6.

divis. 6. 7. 8.

9. 10. &

c. 9. divis.

6. 1. & 2.

Phil. &

Mar. c. 8.

* Against

willfull Re-

bellion.

part. 5.

p. 308. 309

in Defence of

the Apology

part. 5. c. 6.

divis. 6. to 12

in Harbrow

for faithfull

Sub. c. 1.

o True

difference

betweene

Christian

subjection &

anrichristian

Rebellion.

p. 124. 125

126. 127.

p. Reproofe of

Dorman f. 17. 48. 57. 43. 44.

q. Luther, Zwingle

Flon, Calvin, Bullinger,

Hemingsius, Illyricus,

Gualter, Sadael, Beza,

Munster, Sne-

Snecanus, Szegedine,

Eraſmus, the Churches

of Bohemia, Broughton,

Raynolds, Withers,

Whitaker, Fulke,

and other in their places

quoted in a petition to her Ma-

jesty p. 22. 23

grown so shamelessly ungratefull, as if not absolutely to deny your prerogative Royall in causes Ecclesiasticall, yet publickly to professe, that they received their Episcopall authority office, and dominierring Lordly Jurisdiction, which they now exercise over Ministers and people, not from your Majesty, but onely from God, from Christ, and the Holy Ghost, (by which I riddle the Pope and his Prelates challenged all their power:) contrary to the Statutes of 26. H. 8. c. 1. 37. H. 8. c. 17. 1. Ed. 6. c. 2. 1. Elis. c. 1. & 3. Elis. c. 1. which expressly resolve, that they have no manner of spirituall or Ecclesiasticall jurisdiction whatsoever, but onely in, by, from and under your Majesty, and that at your Majesties will, to revoke it when you please: yea directly contrary to the Scripture, which is so farre from giving, that it expressly prohibits Bishops and Ministers, all Lordly temporall Jurisdiction, and worldly government whatsover, not onely that, which is tyrannifull in other temporall Magistrates. Math. 20. 25. 26. 27. Luke. 22. 25. 26. 27. 1. Pet. 5. 1. 2. 3. our awne Homilies, Bishop m. Jewell, Bishop n. Elmer, Bishop o. Bilson, Master Deane p. Nowell, the Fathers cited by them, and q. most Protestants Divines extant, interpret those texts. Yea they are now so strangely audacious, as

And in Gerſonius Bucarus de Gubernatione Ecclesie.

without

without any Letters, Patents from your Majesty, to
 keepe Consistory Courts, visitations, Synods in their
 owne names and rights: to make out Citations, pro-
 cesse, excommunications, Letters of Administration,
 Licenses for Marying without banes &c. in their
 owne stiles, names, and with their owne Seales alone;
 to institute and prescribe new Articles, Constitu-
 tions, Ordinances, Ceremonies, Lawes, Rites,
 formes of Oathes &c. and impose them on your Sub-
 jects, publishing them in print in their owne names,
 and swearing Churchwardens, Sidemen, with other
 your Majesties Subjects, to execute, and submit unto
 them, contrary to their owne 12. Canon, (as if they
 were absolute Popes, Kings, and Lawgivers,) with-
 out your Majesties privy and the Parliaments ap-
 probation: of which exorbitances they are so farre
 from being ashamed, that in a late Latine Pamphlet,
 licensed by the *Archbishop of Canterbury his Chaplaine*,
that now is, and dedicated to his Grace, by one *T. Chow-^{Collectio-}*
neus, they stick not to proclaime; *that your Majestie^{nes. p. 53.}*
and other Princes Ecclesiasticall Lawes, receive both their
visuality and vivacity, from the Bishops, as from the
H E A R T A N D H E A D: yea Doctor
Wren Bishop of Norwich (no more a *Regulus*, but a *Rex*,)
 in his late presumptuous *Visitation Articles*, printed at
 London, 1636. in his owne name (worthy your
 Majesties consideration) makes not onely the *Arch-^{Chap. 9.}*
bishop of Canterbury, and his *Vicar generall and Visitors^{Article. 11.}*
Ecclesiasticall Lawgivers, and their *Injunctions, Oracles,*
and Lawes to be diligently observed and inquired of upon
Oath: but himselfe most presumptuously takes upon

him like an absolute King or Pope, to prescribe new Lawes, Canons, Injunctions, Articles, Orders in his owne name and right without any Commission from your Majesty, or your Royall privy or assent, con-

* 25. H. 8. *trary to your * Lawes, and your owne late Royall Decla-*
c. 15. 21. ration before the 39. Articles; suspending no lesse then
 27. H. 8. 30. Ministers of best note and quality in his late Visi-
c. 15. 37. tation, (though every way confirmable to the Do-
 H. 8. c. 17. *ctrine and Discipline,* by Law established in the
 1. Eliz. c. 1. Church of England, and so reputed in his predeces-
Magna sors times) onely for refusing to conforme against
Charta. their consciences, duties, and allegiance to those
*c. 29. * Before the* grosse Innovations, which hee would obtrude upon
 39. *Articles* them, contrary to your Royall Lawes and * *Decla-*
and concer- rations against such Innovations. Which Tyranny of
ning the Dis- his, as it hath produced a great † *famine of Gods word*
solution of the Parlia- in those parts, and bread in your Subjects hearts a
ment. p. 21. great murmuring, discontent and feare of alteration
 41. of Religion; so it hath caused many to forsake the
 † *Amos 8. Realme, and will no doubt draw * downe Gods Plagues*
 11. *and Vengeance on it,* who since this Bishops late
 * 2. *Chron. Visitation, hath visited many places of the Realme,*
 36. 15. 16. with Plague and Pestilence, and threatneth even a
 17. 1. *Thess. famine of bread unto it, to recompence that famine*
 2. 15. 16. of his word, which hee and other Bishops have every-
 where made; who neither preach themselves, and
 inhibit others from preaching, upon no just occasion
 who else would gladly doe it. And as if this were not
 enough; both your Archbishops, with sundry other
 of your Bishops, in the late Censure of *Dector Bass-*
wicke, in the *HIGH Commission Court at Lambeth*

(whom

(whom they excommunicated, fined one thousand pound to your Majesty, imprisoned and suspended from practising Physicke, onely for writing a Booke in Latine, printed beyond the Seas, in defence of your Majesties Prerogative Royall in causes Ecclesiasticall, against the Popes and Italian Bishops pretended Primacy, being provoked by a Papist and obliged thereunto by his Oath of allegiance; his loyalty and fidelity to your Majesty being his sole offence;) they feared not to proclaime and solemnely to adjudge, like so many ungratefull disloyall Subjects, that I say no more : *That they received their Episcopall power, Sovereignty and Jurisdiction, not from your Majesty but from Christ alone; that they claime and enjoy it by no other, but a divine right,* (contrary to their Predecessors and the Parliaments expresse resolution, 37. H. 8. c. 17. 31. H. 8. c. 9. 10. 1. E. 6. c. 2. 1. Eliz. c. 1. and the very words of their Oath *of* Supremacy to your Majesty : and that Bishops anciensly were reputed and stiled Kings and Princes, whence they had there Miters, Thrones and Crosier staves: a shrewde signe they would be no lesse then Kings now, to sway all things both in Church and State, as they endeavour to doe; though contrary to our Saviourse expresse prohibition, Matth. 20. 25. 26. 27. Mar. 10. 42. 43. Luke. 22. 25. 26.) And to shew themselves Kings indeed, they most presumptuously take upon them to dispense with Lawes and Statutes, as in the case of marrying without asking banes; to stop the course of your Majesties Prohibitions to their Courts, in cases where they have beene alwayes granted; to imprison those who dare

sue for, or deliver your Royall Prohibitions to them;
 and some of them stick not to proclaime, *that they*
would see the man who dares withstand their exorbitant, il-
legall proceedings, or grant a Prohibition to inhibit them,
 yea they generally hate, and persecute all your faith-
 full Subjects, who dare defend your Crowne and Ec-
 clestiasticall Prerogative against their Papall usurpa-
 tions on them, farre more then they doe any Preisttes
 or Iesuites living, whom they now much favour and
 connive at (*though Traitors to your Majesty,*) because
 they favour all these their Episcopall oppressions, and
 encroachments, as tending to erect and justifie the
 Popes disclaimed exploded Monarchy. And is it
 not then high time for your Majesty to looke about
 you? to curbe these aspiring *Popes of this our lesser*
world (as *s. Anselme and the Archbishops of Canter-*
bury were sometimes stiled by the Pope of Rome himselfe,
 not without just cause,) before they grow so head-
 strong as wholly to usurpe your Royall Diademne,
 and quite shake off your yoke. Have they not taken
 halfe your Crowne already from your sacred head,
 (I meane your intire Royall, Ecclesiasticall Iurif-
 diction, which they claime, engrosse, usurpe and
 exercise by their owne inherent power) and placed it
 upon their owne ambitious Pates, not fearing lately
 to contest even with your Majesty in your owne sa-
 cred Presence, whether you or they should visite the
 Universtie of Cambridge (of which you alone are the
 undoubted Visitor) and that *without* without
 any speciall Patent from your Majesty in their owne
 names and rights alone, and not as your Majesty

s Antiquita-
tes Eccles-
Brit. Ead-
merus &
Godwin in
vita. Ansel-
mi. Speeds
History.
 p. 463.

Vifi

Visitors, contrary to their very Oath of Supremacy
 to your Majesties, and the expresse Statutes of 36.
H. 8. c. 1. 31. H. 8. c. 10. 37. H. 8. c. 17. 23. H. 8.
c. 19. 21. 1. Ed. 6. c. 2. 1. Eliz. c. 1. 3. Eliz. c. 1.
8. Eliz. c. 1. and other Acts? Yea have they not mai-
 ned your temporall Jurisdiction, also by stopping
 your owne Royall Prohibitions to their Courts; by
 intermedling with temporall offices and affaires, of
 purpose to advaunce their owne spirituall power and
 Jurisdiction, and by forcing your Subjects to take
 Oathes before them in cases which concerne neither
 Matrimony nor Testament? Surely your Royall Pre-
 decessors, and their Iudges have so resolved, long
 agoe; and therefore in their Writs of Prohibition,
 and Ad Iura Regia; they commonly inserted
 these clauses, that the Prelates Proceedings in all
 causes not meerely Ecclesiasticall, and their admi-
 nistring Oathes to your people in any cases, but of
 Matrimony and testament, was: † *In grave præ-*
judicium Coronæ & dignitatis nostræ regis: † *Register*
part 2. f. 36.
37. to 65.
In nostri contemptū, & regis dignitatis læsio-
nē: In læsionem coronæ & dignitatis nostræ
 &c. Adding moreover: Nos qui ad illasam
 observationem jurium Coronæ & dignitatis
 nostræ vinculo juramenti astringimur, no-
 lentes talia tolerare; vobis prohibemus ne
 quicquam in præmissis attentare præsumatis;
 per quod juri coronæ & dignitatis nostræ
 dero-

derogari valeat quovis modo, & si quid per vos in hac parte minus ritè attentatum fuerit, id sine dilatione aliqua revocari faciatis; ne ad vos tanquàm ad jurium coronæ & dignitatis nostræ violatores graviter capere debeamus, &c. Eo studiosus nos decet operam adhibere & sollicitius extendere manum nostram quoad hoc vinculo Iuramenti teneri dinoscimur & astringi; pluresque conspicimus indies jura illa pro viribus impugnare, nobis & coronæ nostræ præjudicium & exhæredationem multipliciter generantes. Nos volentes hujusmodi præjudicio, & exhæredationi remedio quo poterimus obviare, omniumque jura coronæ nostræ impugnantium conatus illicitos refrænare; vobis & vestrum cuilibet districtè prohibemus, ne prætextu alicujus Commissionis vobis vel cuilibet vestrum factæ vel faciendæ, quicquam quod, in derogationem juris nostri regij, quacunque auctoritate nobis inconsultis attentare præsumatis, seu per alios attentari faciatis: scientes, quod si secus feceritis, ad vos tanquam ad violatores juris nostri regij graviter capiemus, &c.

The

The Latine I confesse is none of the best, but the sense is notable, manifesting both the *u* *Prelates re-*
dimeſſo in all ages to uſurpe upon your Predeceſſors Crownes
and dignities, and their vigilant conſtant care on the
 other ſide to curbe, prevent, and puniſh theſe their
 encrochments, as derogatorie and prejudiciall to their
 crowne and dignitie (being bound thereto by their
Coronation oathes) both by imprisonment and the ſei-
 ſure of their temporalties, as the Attachments, fol-
 lowing upon theſe Prohibitions, manifeſt.

Your Maieſty no doubt hath as *x* *absolute a Prero-*
gative over all Eccleſiaſticall Perſons and cauſes, as ſu-
preme head on earth of the Church of England, as ever any
your Royall Progenitors; and your Prelates now, no more
Episcopall Jurisdiction, Jure aſcino, then their unduſifull
Predeceſſors; you have taken the ſelfe ſame y Oath at
your Coronation, to preſerve, to defend the rights, the Pre-
rogatives of your Crowne and Liberties of your Subjects, as
 your anceſtors have done, and you have ſhewed your
 ſelfe very carefull to preſerve, if not enlarge your
 Prerogative in temporall things. I doubt not there-
 fore, but you will likewise upon the peruſall of this
Breviate, vindicate your Eccleſiaſticall Prerogative
 from your Prelates diſloyall encrochments, as your
 Progenitors have done, and not let looſe the raines
 unto them to uſurpe upon your Crowne, your digni-
 ty, and the Liberties of your Subjects more and
 more, and doe what they pleaſe, without controll.

If any of them ſuggeſt to your Maieſty, that it is
 for your honor, and the Churches good, that the Biſ-
 hops and Clergy ſhould domineere and beare cheife

u *Turbatur*
non in mo-
dicum, cum
PRELATI
regni noſtri,
qui ad ju-
regium no-
ſtrum con-
ſervandum
illeſum ex
juramenti
vinculo ſunt
aſtricti quic-
quam facere
conſpicimus,
quod in no-
ſtri prejudi-
cium ante-
dicti juru
regij leſio-
nem cedere
poteris quo-
quo modo.
Regiſter ps.
2. f. 64. b.
x 37. H. 8.
c. 17. 26. H.
8. c. 1. 28.
H. 8. c. 10.
1. Ed. 6. c. 2.
1. Eliſ. c. 1.
5. Eliſ. c. 1.
8. Eliſ. c. 1.
23 Eliſ. c. 1.
compared to-
gether.
y See Totelli
Magna
Charta,
1556.
f. 164.

flourish in Church and State; flourish in worldly honor, wealth, pompe, dignity; manage the cheife temporall offices and affaires, and Lord it over your Nobility, Gentry, people, as their Predecessors have done in former ages. I answer,

Can. 14. 15

18. 19. 20.

22. 23. 34.

35. *Su. rum*

Concil. Tom.

1. p. 513.

514. *Gratian. Dist.*

41. 88. 29.

95. 59.

Causa. 41.

qu. 1. causa.

15. q. 7.

First, That the 214. Bishops in the 4. Councell of Carthage An. 436. were of a farre other Iudgement. For they demed, that every Bishop should have (not a Lordly Pallace,) but Hospitolum, a little cottage to dwell in, not farre of from the Church. That hee should have vile (not Lordly, costly,) household stuffe, and a poore table and fare, and should seeke the authoritie of his dignity by his faith and merits of life. That hee should not take upon him the Probate or Administration of Wills; nor goe to Law for transitory things though provoked; That hee should not take any care of his temporall estate to himselfe; *Sed lectioni & orationi, & verbi Dei predicationi* T A N T V M M O D O V A C E T; but should O N E L Y give himselfe to reading, and prayer, and the preaching of Gods word. That hee should ordaine no Ministers without the advise of his Clergy, and the consent and testimony of the Citizens. That hee should heare no mans cause, without the presence of his Clergy; and that otherwise his sentence should be meerly voyd, unlesse it were confirmed by the presence and suffrage of his Clergy. That in what place soever hee was sitting, hee should not suffer a Presbyter or Minister to stand; That in the Church and Session of the Presbyters, the Bishop should sit in the upper place: but within any house

COL.

COLLEGAM SE PRESBYTERORVM
 AGNOSCAT; hee should know himselfe to be but
 the fellow or co-partner of Ministers. Thus this
 Councell of 214. Bishops decree, and that so justly,
 that every one of these Canons is incorporated into
 the Popes owne Canon Law, *and there remaine unre-
 pealed till this very day, at least 40.* others Councils,
determining both before and since, † that Bishops and
 Clergy men ought not, to beare any temporall offices,
 or intermeddle with secular affaires, since no man that
 goeth a warfare to God, ought to intangle himselfe
 in the affaires of this world: (2. Tim. 2. 4.) that hee
 may please him, who hath chosen him to be a soldier.
 Whence * Pope Damasus the first, in his Decretall
 Epistle concerning Chorall Bishops; compares those
 Bps who turne over their flockes to such Bishops and
 Substitutes to be governed and instructed by them,
 that they may follow their lusts, *ut pro suo libitu* SE-
 CVLARIBVS CVRIS INHIENT, and give
 themselves to secular cares at their pleasure, and
 more freely doe what seemes good to every one of
 them in his owne eyes: to Harlots, who presently, so
 soone as they are delivered, delivered their infants to
 other nurses to be brought up, that they may be the
 sooner able to follow and satisfie their lusts. For,
 and by reason of such things and Bishops, soules are
 neglected, the sheepe perishe, diseases increase, he-
 relies and scismes breake forth, Churches are de-
 stroyed, Preists are defiled, and other evils arise.
 Wherefore the cheife Preists may not imitate who-
 rish women, who put over their children to others to

† See Concil.
 Carthag.

3. Can. 15.
 Gratian.

Causa. 21.
 qu. 3.

* Sicut
 Concil. Tom.

1. p. 466.
 467. 468.

469.

* *Iohn.* 21.
15. 16. 17.

be nursed, that they may follow their pleasure, but they themselves ought to nourish them, themselves ought to render fruite to their Lord with increase, and to present the fruitfull sheaves to him with glory. For if the Lord himselſe, among other cares of his sheepe, hath touched and cleansed the leapers, why doe wee disdaine to doe the same things? Especially when as the Lord sayd to Peter, * If thou love me, feed my sheepe. If we desire to be the Lords Disciples, let us follow his steps; that it may be sayd of us, I am the good Shepherd, and know my sheep, and am knowne of mine, and I call them all by name, &c. Every one who negligently feedes the Lords flocke so often committed to him, is convinced not to love the cheife Pastor, nor yet to be willing to be made his Disciple, whose examples hee neglects to imitate.

Gen. 31.
38. 39. 40.

Wee remember, that Iacob, who had served long for his wives, said thus to Laban: This twenty yeares have I beene with thee, thy ewes and thy she-goates have not cast their young, and the rammes of thy flocke have I not eaten. That which was torne of beasts, I brought not unto thee, I bare the losse of it; of my hand didst thou require it, whether stolen by day or by night. Thus I was, in the day the drought consumed me, and the frost by night, and the sleepe departed from mine eyes. If therefore hee did thus labor and watch, who fed Labans sheepe, how great paines & watchings ought he to take, who feeds the sheep of God? *This can no Prelate or Bishop doe, who is busied in worldly affaires or flowes in worldly honor,*

honor, wealth, Pompe and State. For as * Hildebert
 of Turen truly writes : It is impossible that hee should
 at any time speake with the Lord, who (even when
 hee is silent) talkes with all the world : Such a fable-
 bearer doe I, O wretch (*saieth hee*) professe my selfe,
 who when as I spend the whole dayes about keeping
 of cattle and worldly affaires, doe not spend so much
 as one moment in keeping of soules. Busineses,
 which are worse to my spirit, meet with me, which
 engrosse me wholly to themselves, which steale away
 the secret times of prayers, which defraud Ecclesiasti-
 call duties of their seasons, which as a small thing
 rage and vex me with stinges by day, and likewise in-
 fest me when I sleep by night; and that which I can-
 not acknowledge without teares, the creeping and
 theevish remembrance of causes follow me, poore
 wretch to the sacred Altars, where whiles I deprecate
 the flight thereof, I am surrounded with their as-
 sault. These birdes, I unhappy wretch, indure with
 sacrificing Abraham, but it is not yet given me to
 drive them away with Abraham. Now innume-
 rable losses of vertues follow the captivating occupa-
 tions of the minde, to which whiles we miserably are
 subject, wee doe not so much as minister with Mar-
 tha : For Martha ministred, but to Christ; but
 which of us may say that wee doe run about and mi-
 nister with Martha, who whiles wee run about, doe
 neither minister to Christ, nor for Christ. Hence is it
 writes * Potho,) that in these dangerous times
 the scarcity of spirituall things doth most of all presse
 and shake us, when as plenty of temporall things

* De Statu
 Domini Dei.
 l. 3. Bibl.
 Part. Tom.
 12. pars. 1.
 p. 628.

abound. For the Church in this time is made greater in riches, but farre lesse in virtues. Whence charity now waxing cold in many, the desire of heavenly things vanisheth quite away in us, and all the studie of virtues is turned into the appetite of transitory things. For these things men desire to be Bishops and Prelates of Churches, that they may enjoy these things, that they may flow with pleasures, that they may rather rule over the Church of God, then profit it; that they may have the family of the Church, subject to them, that they may be Lords of things, that how much the richer their Churches are, they may thereby become more famous. Since therefore ambition raignes in these men, how can they adorne the doctrine of Christ in word and example in all things? What vertue of true religion is there in them whose heartes the brightnes of divine illumination hath forsaken? *Thus these, in direct opposition to this*

† Iohn. 18.

36.

* Math. 20. *your Prelates suggestion, who pleade so much for worldly,*

25. 26. 27.

Marke. 10.

42. 43. 44.

45. Luke.

22. 24. 25.

26. 27.

1. Pet. 5. 1.

2. 3. 3 Iohn.

9. Iohn. 21.

15. 16. 17.

Acts. 20.

18. Marke.

16. 15. 16.

b Math. 11.

29.

c 1. Tim. 6.

8. 9. 10. 11.

Secondly, I answer, that Christ himselfe avers, † that his Kingdome was not of this world; expressly * prohibiting his Ministers and Apostles, to Lord it over his inheritance, or exercise any temporall Dominion over them, commanding them onely to feed & teach, not domineere or rule over his flock like temporall Lords: to ^b be lowly and humble *without pompe, state, or worldly possessions, as hee and his Disciples were, being ^c content onely with food and raiment, eschuing worldly pompe and wealth, as the very bane and*

posse

poyson of the Church : Hence & Bisshop Iewell records
 out of Ioannes . Parisensis and others , That when
 Constantine the Great advanced Bisshops , and en-
 dowed the Church with lands and temporall posses-
 sions, there was a voyce of Angels heard in the ayre,
 saying : *hodie venenum infunditur in Ecclesiam* : This
 day poyson is powred into the Church. And from
 that time forward (saith Polychronicon out of Giral-
 dus Cambrensis) because of the great riches that the
 Church had , it was made the more secular ; and had
 more secular busines , then spirituall devotion , and
 more pompe & boast outward then holinesse within.
 Therefore Ierome in *Vitas Patrum* saith ; Since the
 holy Church increased in possessions , it decreased in
 virtues according to the old Proverbe : *Religio pe-*
perit diuitias , Et filia deuorauit matrem. And out of
 Sant Bernard hee writes : that since Prelates increased
 in worldly pompe , chusing the first places in the
 Church , they have beene the cheifest in persecuting
 Christ , and have ever shewed themselves , not tea-
 chers , but deceivers , not Pastors but Impostors ; not
 Prelates but Pilates, succeeding not Peter in teaching,
 but Romulus in murdering : Concluding out of the
 same Bernard, that no Prelate , no not the Pope him-
 selfe, can be both a Successor of the Apostles & a Lord ;
 for doubtles hee was forbidden one of them by our
 Saviour, *Math. 20. 25. 26.* where Christ by severall
 duties and honors , hath set a difference betweene the
 offices of both powers. Our Princes never tooke up-
 on them the office of Bisshops , but your Bisshops
 (saith hee so harding) have taken upon them the of-
 fice

d Sermon, on
 Hag. 1.

p. 176. and
 on Math. 9.

37 p. 318.
 Defence of

the Apologie.
 parte 6. c. 9.

Diuif. 3.
 pag. 567.

568.
 e Cap. 22. in

vita Siluestri
 See Polichro-

nicon. l. 4.
 c. 26 f. 171.

Thomas Be-
 cons Reports

of certaine
 men. Vol. 3.

of f. 241.

fice of Princes: Of your Bishops it is written in your
 owne *f* Councils (and I would it were not now as true
f *Concil. Ma.* of ours,) Behold there is now in a maner no worldly
crense. Casal. affaيرة, but Preists and Bishops have it in a hand. Such
Test. Verita- Bishops be they of whom *Sant Chrysostome* writes thus:
in. p. 121. They that neither beleive, nor feare the Iudgement
 of God, abusing their Ecclesiasticall dignity in secu-
 lar sort, turne the same in secular dignity. Such Bis-
 hops they be of whom *b Sant Hierom* saith thus: They
 themselves be to themselves both Laymen and Bis-
 hops too: They worship the Lord and Melchom
 both together, thinking that they may serve both
 the world and the Lord, and satisfie two Maisters at
 once, God and Mammon; who fighting under Christ,
 bend themselves to worldly affaires, and offer up one
 Image both to God and to Cæsar. And therefore *Car-*
diuall Cusanus saith: Hereof groweth a great deformi-
 ty that Bishops are bent onely to worldly cares.
 Thus and * much more Bishop Iewell. *Neither is*
this Prelate singular in his opinion. Our famous English
Apostle Iohn Wickliffe, affirmed: That Popes, Car-
 dinals, Bishops, or other Preists, might not *civiliter*
dominari, rule like civill Lords without mortall sinne.
 That it is a sinne to endow them with temporall pos-
 sessions, that no Prelates ought to have any prison to
 punish offenders; nor get any large temporall posses-
 sions or riches: And that no King should impose upon
 any Bishop or Curate any secular office; for then the
 King and the Clarke should be *Proditor Iesu Christi*, a
 betrayer of Christ Iesus. William Swinderby, a *Mar-*
tyr under Richard the second, held: *k* That the more
 Lord.

b *Contra Lu-*
ciferianos &
in Soph. c. 1.

** In his Ser-*
mon on Hag-
gay 1. De-
fence of the
Apologie,
part. 4. c. 17
Divis. 1. &
part. 6. c. 11
Sims. 5.
p. 576. 577
Thomas
Walsingham
Hist. Angl.
p. 205. 302
303, 304.
305. 306.
Wiclef. Dic-
log. 1. 4.
s. 15. 16. 17
18. 26. 27.
Fox A&S &
Monuments
p. 398. 399.
412.
k *Fox A&S &*
Monuments
p. 431. 434.

Lordship a Preist hath, the nearer hee is to Anti-
 christ: That the Preists of the old Law were forbid-
 den Lordship; and that Christ himselfe refused and
 forbad his Preistes Lordships, saying: *Reges gentium &c.*
 The Kings of the heathen beare rule &c. but you shall
 not do so. And *Sans Peter* saith *Neque dominantes in*
Clero, Not bearing rule and domination over the
 Clergy: So it seemeth to me that it is against both
 Lawes of God, that they have such Lordships, ^{*Fox Acts &}
 and that their title to such Lordships is not full ^{Monuments}
 good, &c. *So the * Noble Martyr* Lord Cobham ^{p. 514. 517}
professed: That the will of God is, that Preists being ^{518. 522.}
 seclused from all worldlineffe, should conforme
 themselves utterly to the examples of Christ, and his
 Apostles; be evermore occupied in preaching and
 teaching the Scriptures purely, and in giving whole-
 some examples of good living to others, being more
 modest, loving, gentle, and lowly in spirit, then any
 other sorts of people. Where doe ye finde (*said hee to*
the Prelates) in all Gods Law, that ye should thus sitt
 in judgement of any Christian man, or yet give
 sentence of any other man unto death as yee doe here
 dayly? No ground have ye in all the Scriptures so
 Lordly to take it upon you, but in Annas and Caiphaz
 which sate thus upon Christ; and upon his Apostles,
 after his ascention. Of them onely have ye taken it
 to judge Christs members, as ye doe, & neither of Pe-
 ter nor Iohn. Since the venime of Iudas was shed into
 the Church, yee never followed Christ, nor yet
 stood in the perfection of Gods Law. By Venime I
 meane your possessions and Lordships: For then
 cried an Angle in the ayre (as your owne Chronicles

mention) Woe, woe, woe, this day is venine shed
 into the Church of God. Before that time all the Bps.
 of Rome were Martyrs in a maner : and since that
 time we read of very few : But indeed one hath put
 down another, one hath cursed another, one hath poy-
 soned another, one hath slaine another, & done much
 more mischeife besides, as all Chronicles tell. And
 let all men consider this well, that Christ was meeke
 and mercifull ; the Pope (and his Prelates) is proud
 and a tyrant : Christ was poore and forgave, the Pope
 is rich and a malicious manslayer, as his dayly Acts
 doe proove him. Rome is the very nest of Antichrist,
 and out of that nest cometh all the Disciples of him,
 of whom Archbishops, Bishops, Prelates, Preists and
 Monkes be the body, members, and these pild Friars
 the tayle. Though Preists and Deacons for preaching
 Gods word, ministring the Sacraments with provi-
 sion for the poore be grounded on Gods Law, yet
 have these Sects no maner of ground thereof. Hee
 that followeth Peter most nighest in pure living, is
 next unto him in succeffion. But your Lordly order
 esteemed not greatly the behaviour of poore Peter,
 what ever ye prate of him. ¹ Peirce Plowman, an an-
 cient English Poët, writes to the same effect :

1. Passus. 15.
 2. 4. b.

*If Knighthood and Kindurite and commons by conscience,
 Together lowe Lelly, leweth it well ye Bishops,
 The Lordship of Landes for ever fall ye lese,
 And live as Leviitici, as our Lord ye teacheib.*

Dent. 8. Numb. 5. per primitias & decimas &c.

Sir

Sir m Geffry Chaucer our renowned Poet, is, yet more punctuall. mThePlowmans Tale.

*The Emperour yafe the Pope sometime,
So high Lordship him about,
That at last the selfe Ryme,
The proud Pope put him out.
So of this Realme is in dout:
But Lordes beware and them defend,
For now these folke beene wondrous stout,
Moses Law forbod it tho,
That Preistes should no,
Lordshippes wield,
Christs Gospell biddeth also,
That they should no Lordshippes held,
Ne Christs Apostles were never so bold,
No such Lordshippes to them embrace,
But smere in her sheepe, and keepe her fold,
God amend hem for his grace, &c.*

*This Booke of Chaucer was authorized to be printed
by Act of Parliament in the 34. and 35. H. 8. c. 1.*

** Master William Tyndall Martyr, writes thus: Let Kings rule their Realmes themselves, with the helpe of Laymen that are sage, wise, learned and expert. Is it not a shame above all shames and a monstrous thing, that no man should be found able to governe a worldly Kingdome save Bishops and Prelates that have forsaken the world, and are taken out of the world, and appointed to preach the Kingdome of God; Christ saith, that his Kingdome is not of this*

world, *Iohn. 18.* and *Luk. 19.* Vnto the young man that desired him, to bid his brother to give him part of the inheritance, hee answered; who made me a judge or a divider over you: No man that layeth his hand to the plowe and looketh back, is fit for the Kingdome of heaven, *Luke 9.* No man can serve two Maisters, for hee must despise the one. *Matth. 6.* To preach Gods word, is to much for halfe a man: and to minister a temporall Kingdome, is to much for halfe a man. Either other requireth an whole man. One therefore cannot well doe both. The Bishops after they had put Christ out of his roome, they gate themselves to the Emperors and Kings, and so long ministred their busines, till they have also put them out of their roomes, and have get their authorities from them, and raigne also in their steed: So that the Emperour and Kings are but vaine names, and shadowes, as Christ is, having nothing to doe in the world. Thus raigne they in steed of God and man, and have all power under them, and doe what they list. What names have they? My Lord Bishop, my Lord Archbishop, if it please your father-hood, if it please your Lordship, if it please your Grace, if it please your holines, and innumerable such like. Behold, how they are esteemed, and how they are crept up above all, not into worldly seates onely, but into the seate of God, the hearts of men, where they sit above God himselfe. For, both they, and whatsoever they make of their owne heades, is more feared and dread, then God and his Commandements. Antichrists Bishops preach not, because they have no leifure

leisure for their lust and pleasures, and abundance of all things, and for the combrance that they have in Kings matters; and busines of the Realme. One keepeth the privy Seale, another the great Seale, the third is Confessor, that is to say a privy traitor, and a secret Iudas, hee is President of the Kings Counsell, hee is an Ambassadour, another sort of the Kings secret Counsell. † Wo is unto the Realmes where they are of the Counsell, as profitable are the Prelacy, unto the Realmes with their Counsell, as the Wolves unto the Sheep, or the Foxes unto the Geese. * For † *Note.* Page. 18 there is no mischeifes or disorder, whether it be in the temporall regiment or in the spirituall, whereof they are not the cheife causes, and even the very fountaine and springs, and as we say the well head: so that it is impossible to preach against any mischeife, except thou begin at them, or to set any reformation in the world, except thou reforme them first. Now are they indurate and tough as Pharaoh, and will not bow unto any way or order. And therefore persecute they Gods word and the Preachers thereof, and on the other side lay awayte unto all Princes and stirre up all mischeife in the world, and send them to warre, and occupie their mindes therewith, or with other voluptuousnes, lest they should have leisure to heare the word of God, & to set an order in their Realms. By them is all things ministred, and by them are all Kings ruled; yea in every Kings conscience sit they ere hee be King, and perswade him what they list, and make them both to beleive what they will, and to doe what they will, neither can any King or Realme

have rest for their busines. Turne thine eyes whether thou wilt, and thou shalt see nothing prosperous but their subtil yolling, with that it is flowing water, yea and I trust it will be shortly a full Sea. In all their doings, though they pretend outwardly the honor of God, or $\frac{1}{2}$ Common-wealth, their intent and secret Counsell is onely, to bring all under their power, and to take out of the way whosoever letteth them, or is to mighty for them. And when they are once on high, then are they Tyrants above all Tyrants. Whether they be Turkes or Saracens. *Thus and*

** See his farre more * Master Tyndall * Master Fish in his Practise of Popish Prelates worthy to be seriously read. of Fox A.D. 1563. jesties most serious consideration.* Oh the greivous shipwrack, of the Common-wealth, which in ancient time p. 926. 927 before the comming of these ravenous wolves, were

so prosperous, that &c. What remedy? Make Lawes against them? I am in doubt whether ye be able. Are they not stronger in your owne Parliament-house then your selfe? What a number of Bishops, Abbots, and Priors, are Lords of your Parliament? † Are not all the learned men of your Realme in fee with them, to speake in the Parliament-house for them, against your Crowne, dignity and Commonwealth of your Realme, a few of your owne learned Counsell, onely excepted? what Law can be made against them that may be avaylable? Who is hee (though hee be greived never so sore,) that for the murder of his ancelster, ravishment of his wife, of his daughter,

† *The fruits of Prelates greatnes.*

ter, robbery, trespass, maine, debt, or any other
 offence, dare lay it to their charge by way of Action. *Now they*
 and if hee do, then is hee by and by, by their * wy- *bring such*
 lines accused of heresy; yea they will so handle him *into the high*
 ere hee passe, that except hee will beare a faggot at *Commission,*
 their pleasure, hee shall be excommunicated, and *and there*
 then be all his actions dashed. So captive are your *ruine them,*
 Lawes unto them, that no man whom they list to ex- *or force them*
 communicate may be admitted to sue any action in *to give over*
 any of your Courts. If any man in your Sessions dare *their actions.*
 be so hardy to indite a Preist of any such crime; hee
 hath ere the yeare goe about such a yoake of heresie
 laid in his necke, that it maketh him wish hee had not
 done it. Your Grace may see what a worke there is in
 London; how the Bishop rageth for indiring certaine
 Curates of extortion and incontineny the last yeare
 in the Ward-mote Quest. Had not Richard Hunne
 commenced action of Præmunire against a Preist, hee
 had yet beene alive, and no heretick at all, but an ho-
 nest man. † And this is by reason that the cheife
 Instrument of your Law, yea the cheife of your
 Counsell, and hee which hath your sword in his hand,
 to whom also all the other instruments are obedient,
 is alwayes a spirituall man; which hath ever such an
 inordinate love unto his owne Kingdome, that hee
 will maintaine that, though all the temporall King-
 domes and Commonwealthes of the world, should
 therefore utterly be undone. *p Acts and*
 Which Master p Iohn *Monuments*
 Fox himselfe thus seconds: * This hath beene one *p. 1381.*
 great abuse in England these many yeares, that such
 offices as have beene of most importance & waight,
 have

† Note the
 danger that
 accrues by
 making Cler-
 gy men
 cheife tem-
 porall officers

p Acts and
 Monuments
 p. 1381.
 * Note.

have commonly beene committed to Bishops and other spirituall men; whereby three divellish mischeifes and inconveniences have happened in this Realme, to the great dishonour of God, and utter neglecting of the flocke of Christ, the which three be these.

First, they have had small leasure to attend to their Pastorall cures, which thereby have beene utterly neglected and left undone.

Secondly, it hath also put up many Bishops and other spirituall persons into such haughtines and pride, that they have thought no noble man in the Realme, worthy to be their equall and fellow: (*Whence* q Hall in his Chronicle *observes*, that the authority of Cardinal Wolfey, set the Clergy in such a pride, that they disdained all men; wherefore when he was fallen they followed after.)

*Note, the Bishops the greatest Freindes & Pillars of the Pope, & more faithfull to him, then to their Prince.

Thirdly, where they by this meanes knew the very secrets of Princes, they being in such high offices, have caused the same to be * knowne in Rome, afore the King could accomplish and bring his intents to passe in England. By this meanes hath the Papacy beene so maintained, and things ordered after their wills and pleasures, that much mischeife hath hapned in this Realme and others, sometime the destruction of Princes, and sometime to the utter undowing of many Common-wealthes.

r Vpon the 8. Commandment. pag. 78.

Master r Hooper, both a Bishop and Martyr of our Church, delivers his judgement of the point in these ensuing termes: For the space of 400. yeares after Christ, the Bishops applied all their witt onely

to their owne vocation ; to the glory of God, and the honor of the Realmes they dwelt in. Though they had not so much upon their heades, as our Bishops have, yet had they more within their heades as the Scripture and histories testifie. For they applied all the witt, they had unto the vocation and ministry of the Church whereunto they were called. But our Bishops have so much witt, that they can rule and serve (*as they say,*) in both States, in the Church and also in the civill policy, when one of them is more then any man is able to satisfie, let him doe allwayes his best diligence. If hee be so necessary for the Court, that in civill causes hee cannot be spared, let him use that vocation, and spare the other. It is not possible, hee should doe both well. * It is a great oversight in Princes thus to charge them with two burthens. The Primitive Church had no such Bishops as we. They had such Bishops as did preach many godly Sermons in lesse time then our Bishops horses be a brideling. Their house was a Schoole or treasure house of Gods Ministers. If it be so now, let every man judge. The Magistrates that suffer the abuse of these goods, be culpable of the fault. If the fourth part of the Bishopricke remained to the Bishop, it were sufficient, the third part to Schoolemaisters, the second to poore, and Soldiers were better bestowed. If any be offended with me for this my saying, hee loveth not his owne health, nor Gods Lawes, nor mans ; out of which I am alwayes ready to proove the thing, I have said to be true. Further, I speake of love, not of hatred. *And in his Apologie hee saith :* It is both against

* See Bucernus
De Regno
Christi. l. 2.
c. 12.

have rest for their busines. Turne thine eyes whether thou wilt, and thou shalt see nothing prosperous but their subtil yolling, with that it is flowing water, yea and I trust it will be shortly a full Sea. In all their doings, though they pretend outwardly the honor of God, or ^{the} Common-wealth, their intent and secret Counsell is onely, to bring all under their power, and to take out of the way whosoever letteth them, or is to mighty for them. And when they are once on high, then are they Tyrants above all Tyrants. Whether they be Turkes or Saracens. *Thus and*

** See his farre more.* * Master Tyndall * Master Fish in his Practise of Popish Prelates worthy to be seriously read. of Fox Acts *Supplication of Beggars, thus complaines to King Henry the 8. of the inconvenience of the Prelates greatnes and say, both to himselfe and his subjects, worthy your Majesties most serious consideration.* Oh the greivous shipwreck, of the Common-wealth, which in ancient time p. 926. 927 before the comming of these ravenous wolves, were

so prosperous, that &c. What remedy? Make Lawes against them? I am in doubt whether ye be able. Are they not stronger in your owne Parliament-house then your selfe? What a number of Bishops, Abbots, and Priors, are Lords of your Parliament? † Are not all the learned men of your Realme in fee with them, to speake in the Parliament-house for them, against your Crowne, dignity and Commonwealth of your Realme, a fewe of your owne learned Counsell, onely excepted? what Law can be made against them that may be avaylable? Who is hee (though hee be greived never so sore,) that for the murther of his ancesster, ravishment of his wife, of his daughter,

† The fruits of Prelates greatnes.

ter, robbery, trespassse, maine, debt, or any other
 offence, dare lay it to their charge by way of Action. * Now they
 and if hee do, then is hee by and by, by their * wy- *bring such*
 lines accused of heresy; yea they will so handle him *into the high*
 ere hee passe, that except hee will beare a faggot at *Commission,*
 their pleasure, hee shall be excommunicated, and *and there*
 then be all his actions dashed. So captive are your *ruine them,*
 Lawes unto them, that no man whom they list to ex- *or force them*
 communicate may be admitted to sue any action in *to give over*
 any of your Courts. If any man in your Sessions dare *their actions.*
 be so hardy to indite a Preist of any such crime; hee
 hath ere the yeare goe about such a yoake of heresie
 laid in his necke, that it maketh him wish hee had not
 done it. Your Grace may see what a worke there is in
 London; how the Bishop rageth for inditing certaine
 Curates of extortion and incontineny the last yeare
 in the Ward-mote Quest. Had not Richard Hunne
 commenced action of Præmunire against a Preist, hee
 had yet beene alive, and no heretick at all, but an ho-
 nest man. † And this is by reason that the cheife
 Instrument of your Law, yea the cheife of your
 Counsell, and hee which hath your sword in his hand, *† Note the*
 to whom also all the other instruments are obedient, *danger that*
 is alwayes a spirituall man; which hath ever such an *accrues by*
 inordinate love unto his owne Kingdome, that hee *making Cler-*
 will maintaine that, though all the temporall King- *gy men*
 domes and Commonwealthes of the world, should *cheife tem-*
 therefore utterly be undone. Which Master p Iohn *porall officers*
 Fox himselfe thus seconds: * This hath beene one *p Acts and*
 great abuse in England these many yeares, that such *Monuments*
 offices as have beene of most importance & waight, *p. 1381.*
 have ** Note.*

have commonly beene committed to Bishops and other spirituall men; whereby three divellish mischeifes and inconveniences have happened in this Realme, to the great dishonour of God, and utter neglecting of the flocke of Christ, the which three be these.

First, they have had small leasure to attend to their Pastorall cures, which thereby have beene utterly neglected and left undone.

Secondly, it hath also puffed up many Bishops and other spirituall persons into such haughtines and pride, that they have thought no noble man in the Realme worthy to be their equall and fellow: (Whence *q.* Hall in his Chronicle *observes*, that the authority of Cardinall Wolsey, set the Clergy in such a pride, that they disdained all men; wherefore when he was fallen they followed after.)

**Note, the Bishops the greatest Freindes & Pillars of the Pope, & more faithfull to him, then to their Prince.*

✓ Upon the 8. Commandment. pag. 78.

Thirdly, where they by this meanes knew the very secrets of Princes, they being in such high offices have caused the same to be * knowne in Rome, before the King could accomplish and bring his intent to passe in England. By this meanes hath the Papacy beene so maintained, and things ordered after their wills and pleasures, that much mischeife hath happened in this Realme and others, sometime the destruction of Princes, and sometime to the utter undowing of many Common-wealthes.

Master & Hooper, both a Bishop and Martyr of our Church, delivers his judgement of the point in these ensuing termes: For the space of 400. years after Christ, the Bishops applied all their witt onely

to their owne vocation; to the glory of God, and the honor of the Realmes they dwelt in. Though they had not so much upon their heades, as our Bishops have, yet had they more within their heades as the Scripture and histories testifie. For they applied all the witt, they had unto the vocation and ministry of the Church whereunto they were called. But our Bishops have so much witt, that they can rule and serve (*as they say,*) in both States, in the Church and also in the civill policy, when one of them is more then any man is able to satisfie, let him doe allwayes his best diligence. If hee be so necessary for the Court, that in civill causes hee cannot be spared, let him use that vocation, and spare the other. It is not possible, hee should doe both well. * It is a great oversight in Princes thus to charge them with two burthens. The Primitive Church had no such Bishops as we. They had such Bishops as did preach many godly Sermons in lesse time then our Bishops horses be a brideling. Their house was a Schoole or treasure house of Gods ministers. If it be so now, let every man judge. The Magistrates that suffer the abuse of these goods, be culpable of the fault. If the fourth part of the Bishopricke remained to the Bishop, it were sufficient, the third part to Schoolemaisters, the second to poore, and Soldiers were better bestowed. If any be offended with me for this my saying, hee loveth not his owne health, nor Gods Lawes, nor mans; out of which I am alwayes ready to proove the thing, I have said to be true. Further, I speake of love, not of hatred, *And in his Apologie hee saith*: It is both against

* See *Bucerus De Regno Christi. l. 2. c. 12.*

*fFox Acts &
Monuments
p. 1578.*

*2 Edit. 1578
cum Privile-
gio fol. 17.*

Gods Lawes and mans, that Bishops and Clergy should be judges over any subjects within this Realme, for it is no part of their office: they can doe no more but preach Gods word, and minister Gods Sacraments, and excommunicate such as Gods Lawes doe pronounce to be excommunicated. Who would put a sword into a madmans hand. *Thus sheweth* good Trelate, whom Master Latymer, (who I gave over his Bishopricke out of conscience (as Shaxton Bishop of Salis bury likewise did,) and skipped for joye being divested of his Bishoplike habit, because hee feeled his shoulders so light, and was discharged of so heavy a burden;) thus seconds in his Sermon of the Plough: God saith by the Prophet Ieremy; *Maledictus qui facit opus Dei fraudelenter*, guilefully and deceitfully some bookes have, *negligenter*, negligently, or slackly. How many such Prelates, how many such Bishops (Lord for thy mercy) are there now in England? And what shall we in this case doe? Shall we company with them? O Lord, for thy mercy shall we not company with them? O Lord, whether shall we flee from them. But cursed be hee which doeth the worke of the Lord negligently or guilefully. A fore word for them that are negligent in discharging their office ill. Yee that be Prelates looke we to your office; for right Prelating is busie labouring and not Lording; therefore preach and teach, and let your plough be doing. Yee Lords, I say, that live like loyterers, looke well to your office, the plow is your office and charge. If ye live idle and loyter, ye doe not your duty, &c. They have to say for then

themselves long customes, and authority, placing in
 Parliament, and many things more. And I feare me
 this land is not ripe to be plowed: for as the saying is,
 It lacketh withering. This land lacketh withering
 at least it is not for me to plough. For what shall I
 looke for among thornes, but pricking & scratching?
 what among stones, but stumbling? what (I had al-
 most said) among Scorpions but stinging? But thus
 much I dare say, that since Lording and loytering
 hath come up, preaching hath gone downe contrary
 to the Apostles times. For they preached and Lorded
 not, and now they Lord and preach not. For they
 that be Lords, will ill goe to the plow. It is no meete
 office for them. It is not seeming for their estate.
 Thus came up Lording Loyterers. Thus crept up
 unpreaching Prelates. For how many unlearned Pre-
 lates have we now at this day? And no marvail, for if
 the ploughmen that now be, were made Lords, they
 would cleane give over-ploughing, they would leave
 their labour, and fall to Lording outright, and the
 plough stand. And then both ploughes not walking,
 nothing should be in the Common-wealth but
 hunger. For ever since the Prelates were made
 Lordes and Nobles, their plough standeth, there is
 no worke done, the people starve; they haue, they
 hunt, they carde, they dice, they pastime in their
 Prelacies with gallant Gentlemen; with their daun-
 ting Minions, and with their fresh companions, so
 that ploughing is set aside. * And by their Lording
 and Loytering, preaching and ploughing is cleane
 gone. And thus if the ploughmen in the country,

*Lording
 hath put
 downe pre-
 ching. See
 Supplication
 to K. Henry
 the 8. An.

were as negligent in their office, as Prelates be, we should not long live for lacke of sustenance. And as it is necessary for to have this ploughing for the sustentation of the body, so must we have also the other for the satisfaction of the soule; or else we cannot live long ghostly. For as the body wasteth and consumeth away for lacke of bodily meate; so doth the soule * pine away for want of ghostly meate. And as diligently as the husbandman plougheth for the sustentation of the body; so diligently must the Prelates and Ministers labour for the feeding of the soule; both the ploughes must still be going as most necessary for man. They have great labors, and therefore they ought to have good livings, that they may commodiously feed their flock; for the preaching of the word of God is called meate. Scripture calleth it meate, not strawberies, that come but once a yeare, and tarry not long, but are sone gone; but it is meate, it is no dainties. The people must have meate that must be familiar, *A N D C O N T I N V A L L, and D A I L Y G I V E N V N T O T H E M T O F E E D O N, &c.* And wherefore are Magistrates ordained, but that the tranquility of the Common-wealth may be confirmed, limiting both ploughes. But now for the fault of unpreaching Prelates, me thinke I could guesse what might be sayd for excusing of them. They are so troubled with Lordly livinge, they be so placed in pallaces, couched in Courts, ruffeling in their rents, dauncing in their dominions, burdened with ambassages; pampring of their paunches like a Munke that maketh his lubely, mounching in their Maungers, and moyling in their gay Manours, and

* The Prelates therefore who suppress Le- sures and preaching, as many now doe, onely starve and pine, not feed mens soules.

Man-

Manfions, and fo trobled with loytering in their Lordfhips, that they cannot attend it. † They are otherwife occupied, fome in Kings matters, fome are Ambaffadours, fome of the privy Counfell, fome fur- nifh the Court, fome are Lords of Parliament, fome are Prefidents and Comptrolers of Mints. Well, well, Is this their duty? Is this their calling? Is this a meet office for a Preift to be comptrollers of Mints? Is this a meete office for a Preift that hath cure of foules? Is this his charge? I would heare ^{afke} a question, who comptrolleth the Devill at home at his parifh, while hee comptrolleth the Minte? If the Apoftles might not leave the office of preaching to be Deacons, fhall one leave it for minting? I cannot tell you, the fay- ing is, that fince Preiftes have beene Minters, money hath beene worfe then it was before: And they fay, that the evilnes of money hath made all things deare. And in this behalfe I muft fpeake to England. Heare my Country England, as Sant Paul fayd in the firft Epiftle to the *Corinthians 6. chapter*: for Paul was no fitting Bifhop, but a walking and a preaching Bifhop: *Is there (faith hee) utterly among you no wife man to be an arbitrator in matters of Judgement? What? not one of all that can judge betweene brother and brother, but one brother goeth to Law with another, and that under hea- then Judges? Appoint thofe Iudges that are moft abject and vile in the congregation: which hee fpeaketh in rebu- king them; for faith hee, ad erubefcentiam veftram dico, I fpeake it to your fhame.* So England I fpeake it to thy fhame, is there never a Nobleman to be a † Lord

1 Ecclesiarius
Prelate in
mundialibus
scilicet effi-
caces, in spi-
ritualibus
desides. Wil.
Malmesbur-
ienfis. De
Gesta Re-
gium Ang.
l. 5 p. 173.
* Bps ought
not to inter-
meddle with
temporall or
state affaires
* See Bucerus
de Regno
Christi.
l. 2. c. 12.
† So in bus 5.
Sermon be-
fore K. Edw.
see wri tes
thus Though
I say, I would
wish many
Lord Presi-
dents, I
meane not
that I would
have Prelates
Lord Presi-
dents, nor
that Lord
Bps should
be Lord Presi-
dents. As
touching that
I sayd my
wande and
they should
e, that one

Confidence the last year. And although it is said, Present, it is not meant that they should be Lord Presidents, the office of a Presidentship is a civil office, and it cannot be, that one man shall discharge both well. E 3 Pre-

President, but it must be a Prelate? Is there never a wiseman in the Realme to be a Comptroller of the Mint? I speake it to your shame, I speake it to your shame. If there be never a wise man, make a Waterbearer, a Tinker, a Cobler, a Slave, a Page Comptroller of the Minte. Make a meane Gentleman, a Groome, a Yeoman, make a poore begger Lord President. Thus I speake, not that I would have it so, but to your shame. Is there never a Gentleman meet nor able to be Lord President? For why are not the Noblemen and young Gentlemen of England so brought up, in the knowledge of God and in learning, that they be able to execute offices in the Commonwealth. The King hath a great many of Wards, and I heare there is a Court of Wards; why is there not a schoole of Wards as well as there is a Court for their lands? Why are they not set to the schooles where they may learne? Or why are they not sent to Universities, that they may be able to serve the King when they come to age? The onely cause why Noblemen be not made Lord Presidents is, because they have not beene brought up in learning. Yet there be already Noblemen enough, though not so many as I could wish, able to be Lord Presidents, and wisemen enough for the Mint. And as unmeet a thing it is for Bishops to be * Lord Presidents, or Preists to be Minters, as it was for the Corinthians to plead matters of variance before heathen judges. It is also a † slander to the Noblemen as though they lacked wisedome, and learning to be able for such offices. A Prelate hath a charge and cure otherwise; and * therefore

* The same reason holds our Lord Presidents, Lord Chancellors, Lord Treasurers &c.

† Note.

* Note well.

fore hee cannot discharge his duty, and be a Lord President too: For a Presidentship requireth a whole man, and a Bishop cannot be two men. A Bishop hath his office; a flocke to teach, to looke unto, & therefore hee cannot meddle with another office, which requireth an whole man. Hee should therefore give it over to whom it is meet, and labour in his owne busines, as Paul writeth to the Theſſalonians: Let every man doe his owne businesse, and follow his calling. Let the Preist preach, and the Noble men handle temporall matters. Well, I would all men would looke to their duty, as God hath called them, and then we should have a flourishing Christian Common-Weale, &c. But our Blaunchers, which will be Lords and no Labourers, when they are commanded to goe and be resident upon their Cures, and preach in their benefices, they will say: What? I have set a deputy there, I have a deputy, that looketh well to my flocke, and hee which shall discharge my duty. A deputy, (*quod bee*) I looked for that word all this while. And what a deputy must hee be trow ye? Even one like himselfe. Hee must be a * Canonist, that is to say, one that is brought up in the study of the Popes Lawes and Decrees: one that will set forth Papistry as well as himselfe; and one that will maintaine all superstition and idolatry; and one that will nothing at all, or else very weakely resist the Devils plough, yea happy it is, if hee take no part with the Devill, and where hee should be an enemy to him, it is well if hee take not the Devils parte. They are Lords and no Labourers, but the Devill is diligent

at

*Note, those who labour to advance and bring in the Canon Law, labour to advance and usher in the Pope againe, whose Law it is: as Miles & Clericus, and William Turner in his hunting of the Renashe Fox, have notably and manifestly proved

at his plough. And now I would aske a strange question: Who is the most diligent Bishop and Prelate in all England, that passeth all the rest in doing his office? I can tell, for I know him who it is. I knew him well. But now I thinke I see you listning, hearkning that I should name him. There is one that passeth all the other, and is the most diligent Prelate and preacher in all England. And will yee know who hee is? I will tell you; It is the Devill. Hee is the most diligent preacher of all others, hee is never out of his Dioces, he is never from his cure, yee shall never finde him unoccupied, hee is ever in his parish, hee keepeth residence at all times, yee shall never finde him out of the way: call for him when yee will, hee is ever at hande, the diligentest preacher in all the Realme, hee is ever at his plough: no Lording nor Loytering can hinder him, hee is ever applying his businesse, yee shall never finde him idle, I warrant you. Oh that our Prelates would be as diligent to sow the corne of good doctrine, as Sathan is to sow cockle and darnell. There was never such a preacher in England as hee is: he is no unpreaching Prelate. Hee is no Lordly loyterer from his cure, but a busy ploughman so that among all the Prelates, & among all the pack of thē that have cure: the Devill, shall goe for my money. For he still applieth his busines. Therefore you unpreaching Prelates, learne of the Devill to be diligent in doing your office. Learne of the Devill: and if you will not learne of God nor good men to be diligent, for shame learne of the Devill: *Ad erubescens iam vestram dico*, I speake it to your shame. If you will not
 learne

learne of God, nor good men : ever to be diligent in your office, learne of the Devill. Howbeit there is now very good hope, that the Kings Majesty both by the helpe of good governance of his most honorable Counsaylers, trayned and brought up in learning and knowledge of Gods word, will shortly provide a remedy, and set an order therein. Which thing that it may be so, let us pray for him. *Thus this good Bishop in opposition to our present Prelates doctrines and practises; Who if hee were now alive and should say thus much, hee might peradventure, (if some of them had their will) be martyred once againe.*

Our learned Martyr Doctor Barnes, in his Supplication to King Henry the 8. p. 210. 211. writes: That it cannot be prooved by Scripture, that a man of the Church should have so great temporall possessions as Bishops have. That they cannot by the Law of God have any Iurisdiction secular, and yet they challenge both powers. This is the Article that did bite you: for you cannot be content, with the office of a Bishop, but you will be also Kings. How that standeth with Gods Law, or with your oath, I have declared to our noble Prince. And our worthy Martyr Master Iohn Freth, in his Answer to Master Moores Preface, p. 116. determines thus: But surely since Sylvester received such possessions, hath the canker so crept in the Church, that it hath almost left never a sound member. Before that time there was no Bishop greedy to take a Cure: For it was no honor and profit as it is now, but onely a carefull charge, which was like to cost him his life at one

time or other. And therefore no man would take it, but hee that bare such a love and zeale to God, and his flocke, that hee could be content to shed his blood for them: But after that it was made so honorable and so profitable, they that were worst, both in learning and living, most labored for it, for they that were vertuous would not intangle themselves, with the vaine pride of this world, and weare their Crownes of gold, where Christ did weare one of thornes. And in conclusion it came so farre, that who soever would give most money for it, or best could flatter the Prince (which hee knew all good men to abhorre) had the Preheminence, and got the best Bishoricke. And then in steed of Gods word, they published their owne Commandements, and made Lawes to have all under them, and made men beleeve, they could not erre what ever they did or sayd. And even as in the roomes and steed of Moses, Aaron, Iosue, Caleb, and other such faithfull folke came Herode, Annas, Caiphas, Pilate, and Iudas which put Christ to death. So now in steed of Christ Peter, Paul, Iames and Iohn, and the faithfull followers of Christ, we have the Pope, Cardinals, Archbishops, Bishops, and proud Prelates, with their Proctours, the Malicious Ministers of their master the Devill, whose end shall be according to their workes.

But perchance the Bishops (who much abuse your Royall eares with misreports) will informe your Majesty that all these forecited Writers and martyred Bishops, were Puritans and seditious persons: Be it so, (though a gross

untruth

untruth, unlesse all be Puritans and seditious persons, who oppose their ambitions, aspiring secular Pompe and Lordship:) yet let them heare on the contrary some few of their owne stampe and creatures, whom they cannot taxe of any such crimes as these. u Othobon the Popes

u Ioannis de
Aton. Com-
sit. Othobon-
ni. f. 69. 70.

Legate, with a whole generall Councell of all the Prelates and Clergie both of England and Ireland under him, held at London, An. 1268. published this decree: In as much as it is reputed a speciall decency of Ecclesiasticall honesty, to be farre estranged from carnall actions; wee decree it a very hainous and filthy thing, that hands deputed to heavenly ministries, should be entangled with secular affaires: Or that certaine Clerkes, seeking after earthly gaines and temporall Iurisdiction, through a foule and greedy rapine, doe receive from Laymen secular Iurisdiction, and be called Iustices and doe minister Iustice, which they cannot minister without a dissipation and injurie of Ecclesiasticall order. Therefore wee, desirous to extirpate this horrible vice, straightly forbid all persons of Churches and Vicars with perpetuities, yea also all other maner of persons whatsoever placed in the Ministry, that they presume not to take any secular Iurisdiction, of any secular person, or to exercise the same, according to the precepts of holy Canons: By this present Constitution wee straightly inhibit, that none placed in spirituall warfare, presume to exercise in the secular Court, the office of an Advocate, either in the cause of blood, or in any cause whatsoever, save onely in such causes as are permitted unto him by Law. And

x Distinctio. 21. quest. 3. *y* De immunitate Ecclesie. * Decretalium. pars 6. 7. passim. *a* Summa Angelicatus. Clericus: Et Ioanni Longhecoracius: De vita honestate Ecclesiasticorum. lib. 4. Epist. 147. *b* Acts. 3. 6. *c* Possidens in Vita.

wee likewise forbid that any Clergy man, be either a Iudge, or an assessor. *Divers such Constitutions are in Gratian, & Lyndewoode, the Councils at large* * Iuo Carnotensis, and *a* other Canonists, inhibiting Bishops and Clergy men to intermeddle with any secular offices or affaires, which for brevity sake I pretermitt.

a Petrus Blesensis, Archdeacon of Bath, flourishing about the yeare of our Lord, 1160. Writes thus to the Bishop of Bangor, concerning the Wealsh and State of Bishops: The Title of poverty is glorious with Christ; and that which hath becomed the Sonne of God, ought not to misbeseeme you. The Prince of the Apottles and Prelates saith: *Gold and Silver have I none.* Yea that *c* Great famous Augustine (Bishop of Hippo) therefore made no will, because the poore servant of Christ had nothing at all, whereof to make any bequest. It is your duty to live of the Gospel as the Lord hath appointed, not to goe pompously in the ornament of cloathes, in the pride of horses, in the multitude of attendants. It becomes you as a professor of preistly and Episcopall holines, to cut of all footsteps of your ancient conversation (Thus did *a* Aidan the first Bishop of Durham, who for 17. yeares space together travelled up and downe the COUNTRY even on foote to preach the Gospel, giving whatsoever hee could get unto the poore: *Whose footsteps our Prelates now disclaime to follow, no nor an horse-backe:*) And in his *c* Treatise of the institution of a Bishop, dedicated to Iohn Bishop of Worcester, be writes against the Lordlines, Courtship, and secular imployments

d Godwins Catalogue of Bishops. p. 628.

a Bibl. Patrum. Tom. 12. pars. p. 942. 943

employments of Bishops, especially those, which concerne the Eschequer: Certaine Bishops abusively call the liberality and almes of ancient Kings bestowed on them, Baronies, and Royalties, and themselves Barons, it being an occasion, of most shamefull servitude. I am afraid, least the Lord complaine of them and say: *f They have raigned, but not by me, they have* *Joſea. 8.4.* *made themselves Princes, but I know it not.* Thou must know that thou hast taken upon thee the office of a Shepheard, not of a Baron. Certainly *g Ioseph* *g Gen. 46.* being in Ægypt, instructed his Father and Brethren *34.* to say to Pharaoh, *Wee are Schepheards.* Hee would rather have them professe the office of a Shepheard, then of a Prince or Baron. Christ saith, *b I am the* *b Iohn. 10.* *good Shepheard* : But thou art made by him a Shep- *11.* heard or a steward; a stewardship is committed to thee, and know that thou must give an account of thy stewardship. The husbandry of God is committed to thee, thou hast need a weeding hooke as an husbandman, of a staffe as a Shepheard; of a weeding hooke, ~~that~~ as the Sonne of a Prophet, thou must pull up and destroy, build up and plant. Use thy staffe by driving the wolves from the Sheepfold, by sustaining the weake Sheepe, by raising up those that are fallen, by reducing those that have strayed. But among the fruites of thy Episcopall office, let eternall things be ever preferred before temporall. Let another giude and dispatch thy temporall cares and affaires for thee, but doe thou diligently attend the salvation of soules. The minde consecrated to the discharge of divine service, ought to be free from

worldly imployments. Thou art addicted to great things, be not taken up with the smallest. These things what ever they are, which tend to the gaine of the world, and pertaine not to the gaining of soules, are
11. Cor. 6. 4 small and vile. If you shall have secular busines, & faith the Apostle, *appoint those who are most contemptible among you to be Iudges*: Thou therefore, O good Prelate, set all things after the Salvation of soules; For, soules are as farre more worthy then bodies, and all things else that humane ambition caused, as heaven it selfe excels earth in dignity. Yet at this day with many Episcopall auctority consists onely in this, that their plowlands be fatted with chalke and dung, that their fishponds be multiplied, that their Parkes and the bounds of their possessions be enlarged. In building Pallaces, Mills, and Ovens. All the care of Prelates is increasing their rents. What is it the voyce of our Saviour to the Prince of the Apostles and Prelates, if thou lovest me, till thy lands, build high
1 Iohn. 21. 17. houses? wee read that hee said to Peter, *If thou lovest me, feed my sheep*. Thou art the Heire and Vice of Peter; feed my sheep by preaching, doe the work of an Euangelist and shepheard: thou must not be ashamed of the Gospell, if thou beleivest, thou oughtest not to be ashamed of thy pastorall office. Be instant therefore in season, out of season, fullfill the Ministry; Thy Ministry hath more of burthen, then of honor. If thou affectest the honor, thou art a hireling; if thou imbracest the burthen, the Lord is able to increase his grace, that thou ~~must~~ receivest gaines out of gaines, and profits out of profits.

tho

thou shalt drowne thy selfe in the † Labyrinthes of Court affaires, especially of the Eschequer, thou shalt suffer great losses of spirituall exercise. *m No man can serve two Maisters, God and Mammon.* Let it not slip out of thy minde, how in the tonsure of thy head, when as thou wast elected into the Lords portion, how thou hast renounced, the ignominy of Lay-employments. But in the day of thy consecration, thou hast made solemne vowes to renounce all secular things and employments, (*as* ⁿ our Bishops and Ministers, yet doe in the presence of God, and the whole Congregation) which have bound up thy lips, thou art obliged with the words of thy owne mouth, when upon the interrogation of him, that consecrated thee, thou hast published without any exception, that from henceforth thou wouldest ~~exchange~~ sequester thy selfe from all worldly businellles, and dishonest gaines, and wouldest allwayes bend thy whole study, and care upon divine affaires. What hast thou to doe with the revenues of the Eschequer, that shouldest neglect the care of soules, but for one short hower? What hath Christ elected thee to the receipt of custome? Matthew being once taken from thence never returned thither againe. Be not therefore in the route of those, who preferre worldly employments before spirituall, swallowing a Camell, and straining at a gnat. ^o Wee read that in the dayes of Constantine there were certaine Bishops, flattering the Prince, who gave greater reverence and heed to Royall Edicts, then to Euangelicall precepts. And there are some Bishops now a dayes, to whom the dis-

** A good note for Bishops, that meddle with Court and Eschequer affaires. m Math. 6. 24.*

n See the Booke of ordination and consecration of Bishops.

** Note this. o Rufinus. Hist. l. 10. c. 2.*

dispensation of Gods word is committed, who are silent from good things, dumbe doggs, neither able, nor yet willing to barke: they are turned into an evill bow, giving themselves up as weapons of iniquity unto sinne. This exasperated Gods wrath, and accumulates the danger of eternall damnation as appearing, that certaine of the cheife Preists and Elders of the people, although they pronounce not judgments of blood, yet they handle the same things by disputing and debating of them, and thinke themselves therefore free from blaime, that decreeing judgment of death, or* truncation of members (*which yet some of them of late have judicially given sentence of* they ablent themselves onely from the pronounciation and execution of the poenall sentence. But what is more pernicious then this dissimulation? Is it lawfull to dissemisse and determine that, which it is not lawfull to pronounce? Verily Saul did many wayes handle and plot the death of David, & that hee might palliate his malice under the shadow of innocency hee sayd, *p Let not my hand be upon him, but the hand of the Philistims be upon him.* Verily as much as this dissimulation did excuse him with men, so much did it the more damnable accuse him with God. We have an expresse forme of similitude, in that Consistory wherein Christ was condemned to death: the Scribe and Pharisees sayd, *q It is not lawfull for us, to put any man to death;* And yet when they cryed, saying, Crucifie him, they pronounced a sentence of death against him with bloody malignity. Whom they slew with the sword of the tongue, they protested

* Let these
Prelates,
who have
had their
voices in
such sen-
tences, con-
sider this.

p 1. Kings.
18. 17.

q Iohn. 18.
31.

was not lawfull for them to slay, and their iniquity was in this very thing so much the more detestable, because that they might escape the judgement of men, they covered it with a simulation of innocency. Thou art set over the soules of men, not their bodies; the Prelate hath nothing that is common with Pilate. Thou art Christs Steward and the Vicar of Peter: neither oughtest thou to give an account of the Iurisdiction committed to thee to Cæsar, but to Christ. Yet some Bishops by usurped offices and administrations of the world, make themselves obnoxious to the bend of the Court, and as if they had renounced the priviledge of their dignity, expect the sentence of an harder event, &c. Thus and farre more this ancient Writer against the Wealth, Pompe, Pride, Lordship, Lordlines, Iudicature and secular employments of Bishops, even in his blinde age.

The Booke of Ordination of Ministers and consecration of Bishops, *compiled and approved by the Bishops themselves*, ratified by † two severall Acts of Parliament, (*lately printed by the Archbishops speciall command, with the Booke of Common Prayer,*) and subscribed unto by all our Ministers, *is most notable*, in this purpose. For it prescribes all Bishops, *when they ordaine Ministers to use this exhortation to them.* Have wayes printed in your remembrance, how great a Treasure is committed to your charge, for they be the sheep of Christ, which hee bought with his death, and for whom hee shed his blood. The Church and Congregation whom you must serve, is his spouse and body. And if it shall change the same Church, or any

* By what
Law of the
land then
can Bishops
suspend Mi-
nisters, or
put downe
Lectures,
or afternoone
Sermons at
their plea-
sure, when
this Booke
confirmed
by Parlia-
ment en-
joynes them
never to
cease their
labor, care,
and dili-
gence? &c.
† See an
excellent
Passage in
Martin Bu-
ccr, De Or-
dinatione
Legitima
Ministro-
rum, &c.
in his Scripta
Anglicana,
p. 253. &
De Regno
Christi, l. 2 c. 12.

* I would those Prelates and Ministers would consider this when draw all their care and studies the quite contrary way.

member thereof, to take any hurt or hinderance by reason of your negligence, yee know the greatnes of the fault, and also of the horrible punishment which will ensue. Wherefore consider with your selves the end of your Ministry towards the children of God, towards the spouse and body of Christ; and See *THAT YOU * NEVER CEASE YOUR LABOUR, YOUR CARE, AND DILIGENCE*, untill you have done all that lyeth in you, according to your bounden duty, to bring *ALL SUCH AS ARE OR SHALL BE COMMITTED TO YOUR CHARGE*, unto that ripenesse or perfectnesse of age in Christ, that there be no place left among them, either for error in religion, or for vitioulnes of life. (*And what Trclate or Minister hath done this?*) And for this selfe same cause, yee see how yee ought to forsake and set a side (as much as you may) *† ALL WORLDLY CARES AND STUDIES*. Wee have good hope, that you have well weighed and pondered these things with your selves long before this time, and that you have clearely determined by Gods grace to give your selves *WHOLLY* to this vocation, whereunto it hath pleased God to call you, so that (as much as lyeth in you) you apply your selves *WHOLLY* to this one thing, and draw ** ALL YOUR CARE*

and *STVDY* this way and to this end. And that you will *CONTINVALLY* pray for the heavenly assistance of the Holy Ghost, that by daily reading and weighing of the Scriptures, you may so wax ripper and stronger in your Ministry. And that this your promise shall more moove you to doe your duties, yee shall answere plainely to these things, which we in the name of the Congregation shall demaund of you touching the same. *The Bishop.* Will you give your faithfull diligence alwayes to minister the doctrine and Sacraments, and the discipline of Christ, as the Lord hath commaunded, and as this Realme hath received the same, according to the Commaundements of God, so that you may teach the people, committed to your cure and charge, with all diligence to keepe and observe the same?

Answer. I will so doe by the helpe of the Lord. *The Bishop.* Will you be diligent in prayers and in reading of the holy Scriptures, and in such studies as helpe to the knowledge of the same, laying aside the *†* studie of the world and the flesh?

Answer. I will endeavour my selfe so to doe, the Lord being my helper. *The like exhortation is given to, and the like promise made by all Archbishops, and Bishops, when they are consecrated, before all the congregation present. Are not such Prelates therefore doubly perjured both to God, and man, who breake these* solemnne publike protestations, *by neglecting their spirituall* *functions and preaching, by silencing, suspending the most powerfull frequent preachers, by putting downe Lecturers and Lecturers, and by giving themselves principally, if not*

† How well doe our State - Prelates, Bps, & Ministers thinke you performe this serious promise, or thinke upon

* See the
Forme of
Baptisme in
the Booke of
Common-
Prayer.

solaly to secular offices, imployments, Pompe, State, and Lordlines, contrary to these their covenants, and to their vow in baptisme also, * to forsake the Devill and all his workes, the vaine Pompes and glory of the world, with all the covetous and sinfull desires of the flesh, which they now most hunt after. Vndoubtedly they are, and that in the highest degree. Wherefore we thinke, when ever they consecrate Ministers or Bishops, and repeate these wordes, they should strike them with confusion and amazement. Not to mention Thomas Becon his Supplication, f. 23. Where hee complaines, that in Queen Maries dayes the idolatrous Preilts and Prelates of England did alone ruffle, and raigne, & beare the swinge in the Court, and that they alone had the keyes of the English Kingdome hanging at their girdle, and were mightier then King, Queen, Lords, and that is besides. But how (saith hee) agreeth this with the example of Christ, which fled away when the people would have made him. a King or a temporall Governour? Christ refused to meddle with temporall or any worldly matters, as the history of dividing the inheritance between the 2. brethren doth declare. Christ willed his Disciples to refuse all worldly dominion, & temporall rule, when they strove among them who should be the greatest. Christ sayd unto them: The Kings of the Gentiles raigne over thē, &c. But you shall not be so, &c. Christ sent not his Disciples to be Lords of the Councell, Lords of the Parliament, Lord President, Lord Chauncellour, Lord Bishop, Lord Suffragane, Lord Deane, Master Queenes Amner, Sir Iohn Massemonger, &c. But to be Mini-
sters

sters and disposers of the Misteries of God, to be preachers of the Gospel, to be labourers in the Lords harvest, &c. But these things, O Lord, have they all forgotten. These ambitious Antichrists are so drow-
 ned in vaine glory, and in the desire of filthy lucher and wordly promotion, that they neither regard God, nor the higher powers, neither esteeme they their office, nor any one point of Godlines and honesty, that they neither thinke of the dreadfull day of judgment, nor yet remember themselves to be mortal: Their whole study in the time of this their Luciferlike pride is nothing else, but to suppress the holy truth, and to aduance, and set up their Antichristian Kingdome, that they as Gods may sit alone in the consciences of men, &c. M^r. Elmer, *afterwards Bishop of London, in his Harborow for faithfull Subjects, printed at Straesborough, writes thus against Bishops civill authority, and Lordlines, and Wealth:* Christ saith Luke 12. Who made me a Iudge between you? as though hee would say, it belongeth not to my office to determine matters of policy, and inheritance; that belongeth to the civill Magistrate. If hee had thought it had beene within the compasse of his function, why, and with what conscience refused hee to set them at one, who were at strife, and to put that out of doubt which was in suite? If hee might doe it, and would not, hee lacked charity, and did not his duty. If it belonged not to him, how belongeth it to any of his Disciples or Successours? Had hee not as large a Commission as hee gave? Or could hee give that hee had not? But hee knowing his office, as the

Prophet Esay had foretold, to preach the Gospell, would doe nothing without warrant. And therefore being asked if hee were a King, answered simply, and by a plaine negative, My Kingdome is not of this world. If his Kingdome was not here, neither the ordering of Policies; yea when they would have taken him up to have made him a King, as one that * refused that belonged not to him, hee conveyed himselfe from among them. If imperiall Iurisdiction belonged to him, why refused hee his calling? If it did not, where had Paul, Peter, or any other, any authority to meddle with that which hee refused? Seeing, hee saith; As my Father sent me, so send I you. In another place, Christ knowing the bounds of his calling, would not meddle with externe policy. Hence Bishops me thinkes by his example, should not give themselves too much the bridle, and too large a scope, † to meddle too farre with matters of policy. If these two offices, I meane Ecclesiasticall and civill be so jumbled in both functions, there can be no quiet or well ordered Common-wealth. Christ saith to his Disciples: *Princes of the Nations doe beare rule like Lords, it shall not be so with you.* It falleth not into an Apostles or Churchmans office, to meddle with such matters. *For none going to warre, intangleth himselfe with the affaires of this life;* it is enough for them to attend upon one office; to attend as sole Preists, not as Errant Bayliffes. (*And else where in that Booke hee proceedes thus:*) Come off ye Bishops away with your superfluities; yeeld up your thousands, be content with hundreds, as they be in other reformed Churches,

* Few of our Prelates would now refuse such a proffer.

† See Bucer, De Regno Christi: l. 2. s. 12.

Churches, where there be as great learned men as you are. *LET YOUR PORTION BE PREISTLIKE, NOT PRINCELIKE.* Let the Queene have the rest of your temporalities, to maintaine warres, and to build Schooles throughout the Realme, that every parish Church may have its preacher, every City her Superintendent to live not pompously: which will never be, unlesse your ^{living} be disposed and bestowed upon many, which now feed and fat but one. Remember that Abimelech, when David in his banishment would have dined with him kept such hospitality, that hee had no bread to give him, but the Shewbread. Where was all his superfluity to keep your pretended hospitality? for that is the cause that you alleadge, you must have thousand thousands; as though you were commaunded to keepe hospitality, rather with a thousand then with a hundred: Remember the Apostles were so poore, that when the lame * man, who lay at the Temple-gate called Beautifull, asked an almes of Peter and Iohn, as they went about to goe into the Temple; Peter answered him in this maner: *Silver and gold have I none.* And Paul was so farre from having Lordships, that his owne hands ministred oft times to his necessities. If the Apostles of our Saviour had so small possessions and revenues, why should our Prelates, who boast themselves to be their proper Successours, enjoye or couet so great? When as Paul enjoynes them, *if they have but foode and raiment there with to be content, godlinesse alone with contentment being great gaine, and a sufficient portion.* This proves the saying

* Acts. 3. 1.
107.

saying of Doctor Barnes most true, in his Supplication to King Henry the 8. against the Bishops, p. 211. They say they be the Successors of Christ and his Apostles; but I can see them follow none but Judas; for they beare the purse, and have all the money. And ~~if~~ they had not so great possessions, I am sure an hundred would speake against them, where now dare not one, for losse of promotion. Judas sold our Master but once, and yefell him as often as hee commeth in your hands. *In the Acts and Monuments of our Martyrs, f. 1796. I finde this Dialogue between Sir Iohn Baker, Collins his Chaplaine, and Edmund Allin a Martyr.* Baker. I heard say, that you spake against Preists and Bishops. Allin. I spake for them, for now they have so much living, and especially Bishops, Archdeacons, and Deanes, that they neither can nor will teach Gods word. If they had a hundred poundes a peece, then would they apply their study, now they cannot for other affaires. Collins. Who will then set his children to schoole? Allin. Where there is now one set to schoole for that end, there would be 40. because that one Bishops living divided into 30. or 40. parts, would finde so many as well learned men as the Bishops be now, who have all this living, neither had Peter nor Paul any such revenue. Baker. Let us dispatch him, hee will marre all. Collins. If every man had a hundred pounds, as hee saith, it would make moe learned men. Baker. But our Bishops would be angry, if that they knew it. Allin. It were for a Common-wealth to have such Bishoprickes divided, for the further increase of learning.

ning. Nicholas Bullingham, Bishop of Lincolne, in
his printed Letter to Master Bull, December 5. 1564.
Writes thus from Embden, where hee arrived after many
stormes: Would God Master Bull, that all the Pre-
 lates of England had beene with me, when we fell to
 cutting of Cables, riding at anchor in the raging Seas.
 There would have beene tearing of square Caps, ren-
 ting of Rochets, defying of Bishoprickes, despising
 of Pompe, promising of new life; crying for mer-
 cy: O what a Tragedy would there have beene? Well,
 well, though now they walke drie shoode in their
 Pallaces, there is a God that will trie them and all
 his people by fire or by water, unlesse we heartily re-
 pent. Grace to repent, graunt us, O Lord, without
 delay. Amen, Amen.

Doctor Bridges, Deane of Sarum, afterwards
 Bishop of Oxford, *a great Champion for the Prelates;*
writing against the Papists in defence of the Princes Su-
premacy, hath these words: Christ hath put such a
 barre between Bishops and Princes, that his spirituall
 Bishops cannot have earthly Kingdomes. And where-
 as the Papists held; that the Pope was not properly
 but improperly a Lord; hee replieth: Christ sim-
 ply debarreth all his spirituall Ministers from ruling
 of temporall Kingdomes. Christ hath both properly
 and improperly debarred them. *Vos autem non sic.* You
 shall not doe so. These words strike dead Master
 Saunders; yea our Lordly Prelates too. Doctor Bilson

* Warden, and shortly after Bishop of Winchester
writes thus: Christ expressely forbiddeth his Apostles
 to be rulers of Nations. The Kings of the Nations

H

rule

*Of the
 Princes Su-
 premacy,
 p. 926.*

**Of the true
 difference
 between
 Christi in
 Subjection,
 and Anti-
 christian
 Rebellion,
 p. 126, 127*

rule over the people, &c. but with you, it shall not be so. In which words Christ doth not traduce the power of Princes as unjust, but distinguished the calling of the Apostles from the maner of regiment, which God hath allowed the Magistrate. Christ saith, not Princes are tyrants, you shall deale more courteously: but hee saith: Princes be rulers by Gods ordinance; you shall not be so: that is, you shall neither beare rule, nor exercise authority over your brethren. After which hee proves that the Greeke word *κατοχουμένης* is not meant of any unjust or tyrannicall rule; but Christ in this text doth thereby distinguish the calling of his Apostles from the maner of lawfull regiment, which God hath allowed the Magistrate. And therefore (saith hee) the conclusion is inevitable, that Princes may lawfully compell and punish their Subjects, but Bishops may not. The distinction between them is evident by their severall Commissions, which God hath signed. The

† Rom. 13. † Prince, not the Priest beareth the sword: Ergo, the
 f Math. 26 Prince not the Priest is Gods Minister to avenge Malefactors. Peter f himselfe was sharply rebuked
 g 1. Tim. 3. by Christ for using the sword: and in Peter all Pastors
 Tit. 1. and Bishops are straitly charged, not to meddle with
 b Math. 24. it. All that take the sword, shall perish with the sword.
 * As to many Prelates And of all men g a Bishop must be no striker. For
 doe now, who are the greatest strikers, if hee, that should feed his Maisters household, b fall
 to striking, he shall have his portion with hypocrites.
 finers, im- The servants of God must be gentle towards all,
 prisoners, and oppressors of all instructing (not * imprisoning) those that resist
 others, with mildnes, not compelling any with sharpnes.

Their

Their
 word
 no ki
 t on
 the p
 teach
 or re
 is, pu
 punish
 their
 Bishop
 Dear
 substa
 22. a
 third
 gified
 unto
 by y
 comm
 tive C
 & pro
 more
 more
 yee u
 all m
 P R I
 Arch
 of En
 deduc
 all the
 resolu

Their function is limited to the preaching of the word, and dispensing of the Sacraments, which have no kinde of compulsion in them, but invite men onely by sober perswasions to beleive and imbrace the promises of God. To conclude, Pastors may teach, exhort, and reprove, not force, commaund, or revenge: onely Princes, be Governours, that is, publike Magistrates, to prescribe their Lawes, and punish by their sword, such as resist them within their dominions, which Bishops may not doe. Thus Bishop Bilson. And k Bishop Alley, with Master Deane Novell before him, use the selfesame words in substance, interpreting that text of Math. 20. and Luke 22. as hee hath done. To conclude these testimonies. The third part of the Homily of the Perill of Idolatry, revised by the 35. Article of our Church, subscribed unto by all our Prelates and Ministers, and reprinted by your Majesties and your Royall Fathers speciall commaund; recites f. 59. That Bishops in the primitive Church, did most diligently and sincerely teach, & preach: For they were then preaching Bishops, and more often seene in Pulpits then in Princes Pallaces; more often occupied in his Legacy, who said: Goe ye unto the whole world, and preach the Gospell to all men, then in Embassages and AFFAIRES OF PRINCES OF THIS WORLD. Yea all the Archbishops, Bishops, Archdeacons, and Clergy of England, in their Institution of a Christian man, dedicated by them to King Henry the 8. subscribed with all their names, and printed cum Privilegio, An. 1537. resolve thus: Wee thinke it convenient, that all

2. Tim. 3. and 4.

Poore mans Library, Tom 2. f. 15. 16.

Reprooffe of Dorman, p. 17. 48. 57.

m Chapter of Orders. Fox A.D. 8 Monuments Edit. 1610. p. 971.

Bishops and Pastors shall instruct and teach the people, committed unto their spirituall charge; that Christ did by expresse words prohibit, that none of his Apostles, nor any of their Successors, should under the pretence of authority, given unto them by Christ, take upon them the authority of the sword, that is to say, the authority of Kings, or of any civill power in this world, yea or any authority to make Lawes, or ordinances in causes, appertaining unto civill powers. If any Bishop, of what estate or dignity soever hee be, be hee Bishop of Rome, or of any other City, Province, or Diocesse, doe presume to take upon him authority or Iurisdiction, in causes or matters, which appertaine unto Kings, and the civill powers and their Courts, and will maintaine or thinke, that hee may so doe by the authority of Christ and his Gospell, although the Kings and Princes would not permit and suffer him so to doe. No doubt that Bishop is not worthy to be called a Bishop, but rather a tyrant, and a usurper of other mens rights, contrary to the Lawes of God, and is worthy to be reputed none otherwise, then hee that goeth about to subvert the Kingdome of Christ. For the Kingdome of Christ in his Church is spirituall, and not a carnall Kingdome of the world: that is to say, the very Kingdome that Christ by himselfe, or by his Apostles and Disciples sought here in this world, was to bring all nations from the carnall Kingdome of the Prince of darknes unto the light of his spirituall Kingdome, and so himselfe raigue in the hearts of the people by grace, faith, hope, and chari-

charity. And therefore sith Christ did never seeke
 nor exercise any worldly Kingdome, or dominion in
 this world, but rather refusing and fleeing the same,
 did leave the said worldly governance of Kingdomes,
 Realmes and Nations, to be governed by Princes
 and Potentates (in like maner as hee did finde them)
 and commaunded also his Apostles and Disciples to
 doe the semblance; whatsoever Preist or Bishop will
 arrogate, or presume upon him any such authority,
 and will pretend the authority of the Gospell for his
 defence therein, hee doth nothing else; (but in a
 maner as you would say) crowneth Christ againe
 with a crowne of thornes, and traduceth and bringeth
 him forth againe with his mantle of purple upon his
 backe, to be mocked and scorned of the world, as the
 Jewes did to their owne damnation. *Thus all our Pre-*
lates and Clergy (and after them King Henry the 8. in
his necessary Erudition for any Christian man, autho-
rized and approved by the Statute of 32. H. 8. c. 26.
the Lords spirituall and temporall in the Nether-
howse of Parliament, An. 1545. where the same
words are verbatim repeated) resolve, contrary to the
Doctrins and Suggestions of their present Successors.
As the Doctrine, so the practise likewise of our most am-
bitious domineering Prelates, condemnes the suggestions
of our secular Bishops: It is recorded of * Thomas
 Becket, *that greates traitor and turbulent Archbishop* Paris. Hist.
of Canterbury, who set the whole Kingdome in a long com- Major. p. 94.
bustion, had yet so much conscience, and divinity in him, Antiquitates
that being installed Archbishop of Canterbury, Eccles. Brit.
(being but a meere Deacon before,) hee voluntarily p. 122. God-
 (being but a meere Deacon before,) hee voluntarily wins Cata-
logue of Bish-
p. 83.

resigned and gave over his Lord Chauncellourship of England, sending the great Seale to the King, who was then in Normandy, together with a Letter wherein hee certified him, That hee could not serve the Church & the Court both at once: & therefore he resigned this his tēporall office, as incompatible with his spirituall. *Wee read* * that when Hubert, Archbishop of Canterbury, was made Lord Chauncellour, cheife Iustice of England, and high Governour of all the Kings Dominions immediately under him, that hee was much blamed, and that not unworthily, and no lesse envied for taking these offices upon him: in so much that a Noble man said unto him in scorne, at what time hee was made Chauncellor, I have heard of many Chauncellours made Bishops, but of an Archbishop, that would vouchsafe to stoop to the Chauncellorship, till now I never heard of any, (for most Bishops that were Treasurers and Chauncellors, were first such Lay-officers, and Lay-men to, and then made Bishops for a reward of their service or better maintenance; not first Bishops, and then made Treasurers, Chauncellers, and such like temporall officers.) Whereupon within two yeares after his advancement to these high places, the better to excuse his ambition, hee made a dissembling and counterfeit shew of being desirous to leave his temporall offices, in so much as hee dealt effectually with the King by letters, to give them leave to resigne them, saying, That the charge of his Church was worke enough for one man, whereunto onely hee would gladly dedicate himselfe. This hee did assuring himselfe in his owne conceit, that the King knowing

* *Hoveden
Annalium,
pars posterior
p. 767. 768
779. Antiq.
Eccles. Brit.
p. 138. 139
140. 142.
143. Speeds
History,
p. 550.*

† Yet our
great Pre-
lates thinke
not so.

no man about him so likely, to manage those affaires as himselfe, and not being able to want him, would intreat him to retaine them still: But the King thinking his motion reasonable, and not willing longer to deny it, the Archbishop thus taken tardy in his owne snare, as though his minde and determination were suddenly altered, signified unto the King in letters, that notwithstanding his great desire of betaking himselfe onely to spirituall matters, and the manyfold infirmities of his age, hee would be content to afford his labour and diligence in his other offices yet a while longer, if therein hee might doe his Majesty any profitable service, acquainting him with all, that in these two yeares, since his preferment, hee had gathered for his use 1 100000. markes which hee was ready to pay into his coffers, augmenting (it is like) the summe; and adding thereto out of his his owne purse, that so hee might in cleanly sort buy againe those honorable and gainefull offices, which his subtile dissimulation had almost lost him. But the King not long after, upon a petition of the Lords in Parliament, thrust him out of these offices; to which when he was againe restored; the Pope upon complaint by the Monkes of Canterbury of his intermedling in civill affaires, presently enjoined him without further delay, to resigne all his temporall offices; which hee (how loath soever) was faine to doe; the Pope assuring him, that hee would neither suffer him, nor any other Bishop or Clergy man to intermeddle in temporall affaires, commaunding all Prelates of the Church, upon their Canonically

obe-

obedience, not to take upon them any temporall offices, because being intangled in secular businesses, they could not possible sufficiently discharge their spirituall functions; for as the wise man saith:

Pluribus intentus minor est ad singulari sensus.

† Godwins
Catalogue of
Bishops,
p. 152. 602

† Godwin. lb.
p. 158.

* Godwin,
Ibid. p. 267.

† Godwin,
Ibid. p. 621.

Hence was it, that † Thomas Arundell, so soone as ever hee was made Archbishop of Canterbury, presently thereupon gave over his Chauncellourship of England, as unable to discharge both. And † Iohn Stafford, who succeeded him in that See, though hee held that office long, yet at last waxing weary of so painefull a place, hee voluntarily resigned his Chauncellorship of England, as incompatible with his spirituall function, and an impediment to his discharge thereof. So * Iohn Totham, Bishop of Ely, a wise and vertuous man, but very unlearned, was made Chauncellour of England, Anno 1317. in which office hee continued but two yeares, and then voluntarily gave it over, after which being made Treasurer, *hee (out of conscience,)* resigned that place within a twelve moneth, and betooke himselfe altogether to the governement of his Church, his more honorable and proper function: *Yea that ambitious, proud* Cardinall and Archbishop of Yorke, Thomas † Woolfie, *who wholly merged himselfe in secular offices and state-affaires,* falling into disgrace, put from his places, attainted into a Præmunire, and last of all arrested of high treason, considering his former courses, and Gods just judgement on him for them, brake out into these words, being the last hee uttered: If I had served God as diligently

as I haue done the King, hee would not have given me over in my gray haire; but this is *THE FIRST REWARD*, that I must receive for the paines and study, I have had to doe him service, not regarding my service, to God, so much as the satisfying of his pleasure. *A good lesson for all our Court Prelates, now guilty of the selfesame offence; of whom wee may say, as * William Parvus once did of Hugh, Bishop of Duresme; Istis mundus non crucifixus, sed infixus* *Antiquis Eccles. Br. p. 138.* *† Paul writes of himselfe. Gal. 6. 14.* The world is crucified unto me, and I unto the world; *many of them being now too like † Walter the 28. Bishop of Durham, who attending more worldly affaires, then the charge of his flocke, gave himselfe altogether to temporall businesse, wherein hee wholly occupied himselfe, becoming a temporall Iudge, determining all causes at his pleasure, oppressing the people, and taking still the course, that might be most for his owne gaine; which made him so odious among the common people, that at last they murdered both himselfe and his cheife agents, Lufwyn and Gilbert, even in the very Church it selfe, to which they fled for sanctuary. If then these ambitious Prelates in the very night of Popish darkenes, have thus either voluntarily or coactively relinquished these their secular employments, as incompatible with their spiritual, should not ours now much more doe it in this cleare sunshine of the Gospell? yes verily. I have thus long detailed your Majesty with these domestique authorities, and*

J

examples

† Godwin's Catalogue, p. 637. 638 Malmesbury De Gestis Pontificum Angliae. l. 3. p. 277.

*Fox Aſſes
 Monuments
 paſſim. Hen-
 ry Scalbridge
 his exhorta-
 tory Epiſtle.
 An Epiſtle to
 Queens Eli-
 zabeth.
 Nicholas de
 Clemangui:
 De Corrupto
 Eccleſia
 Status Illyri-
 ou, Catalogus
 Teſtium Ve-
 ritate. Tho-
 mas Beacon
 his Supplicat-
 ion, and his
 reports of
 certaine
 men. Mar-
 tyn Bucer de
 Regno
 Chriſti. l. 2.
 c. 12. dedi-
 cated to
 King Ed-
 ward the 6.
 Haddon
 Cometa
 Oſorion. l. 3 f. 243. to 253. 292. 293. 294. Doctor Barnes his Supplication to King
 Henry the 8. p. 210. 211. 212. Iohn Friſh his Anſwere to Maſter Mares Preface,
 ps. 116. Maſter Wetherhall his Diſcourſe of the Corruptions now in queſtion. The
 Supplication to King Henry the 8. An. 1544. A Juſtinian Codex, lib. 1. de
 Epiſcopis & Clerico, 17. 36. 40.

examples (to which + infinit others might be added)
 that ſo you might diſcern, what difference there is
 betweene the judgement and opinions, and practice
 of our preſent overſwaying ſecular Prelates, and theſe their
 more moderate Predeceſſors (whom they cannot charge
 with Puritanisme Novelty or faction, as they doe all
 ſuch who now concur in judgement with them) and how
 dangerous, unlawfull, and pernicious it is both in regard
 of Church & State; for Archbiſhops, Biſhops or other Clergy
 men to exerciſe temporall dominion, or manage temporall
 offices and State-affaires; which Auctors, Biſhops, Mar-
 tyns, where they now alive, and ſhould write or ſpeake ſhew
 much, they would finde ſuch little Land and applauſe
 among our Pontificall Prelates, as it would be a greater
 queſtion, to which Dungeon they ſhould be ſent with
 committed cloſe Priſoners, then whether they ſhould
 eſcape unpuniſhed, unperſecuted by them.

As theſe writers, ſo the Godly Emperors heretofore
 were ſo farre from imploying Biſhops and Clergy men in
 temporall State-affaires, that Honorius and Theo-
 doſius the Emperors enacted this Law: It is our gra-
 cious pleaſure, that Clergy men ſhall have no com-
 munion with publike functions or things pertaining

10

to the Court, unto whose body they are not incorporated: And Iustinian the Emperor decreed; That Bps should not be suffered to take upon them the oversight of any orphane, or to be a receiver, or gatherer of charges belonging to the treasure, or to take upon them publike or other mens possessions, that so their ministry might not be hindred; *yea hee promulged this ensuing Law*: Wee repeating our proclamation thinke it good, not onely that the Iudges of every tribunall, but that the governours of the Churches of this excellent City, among whom this **MOST FILTHY KINDE * OF PROVING** * Probate of *wills, anciently belonged not to Ecclesiasticall Courts.* **WILLES OF DEAD MEN** hath crept in, be forewarned that they meddle not with a thing, which by the disposition of our Lawes, appertaine not in any wise to any other, then onely to the Maister of our revenues. For it is absurd, yea rather an ignominy for Cleargy men, to shew themselves cunning in common pleadings. And the transgressors of this ordinance wee deeme, shall be punished with the losse of 30. pound of gold: yet (saith the Gloffe,) because a litle gaine was given for probate of wills, covetous Cleargy men have usurped them. *The reason of the Lawes is thus else where expressed.* It is a great absurdity, that offices should be mingled together without order or consideration; and that one man should cacth a thing committed to the credit of another. Wee thinke that the deceit of these men ought to be met with, who under pretence of being Deanes or Collegiate men, when they performe no such duty; endeavour by reason of other charges,

o Codex, De Testa. l. De Consulta di-nalis. Codex De Dona. L. in hac. Et L. Se.

to withdraw themselves; that none under color of some one office, which hee doth not execute, might be eased of the weight and burden of an office, which by duty hee should execute. *But to returne home againe.* The very † Common Law of England hath

† Register
pars I.

fol. 187. b.

See f. 175.

179. b.

184. b.

† If these reason hold good in those who have but one Cure, much more in Bishops who have so many flockes to attend and supervise.

provided a speciall writ, inhibiting Cleargy men to be elected to any temporall office or imployment, and discharging them thereof in case, they are elected; *quia non est consonum, &c.* because it is not meet, that hee, who hath the † Cure of soules, and is to give perpetuall attendance on his cure, and other pious spirituall services, *ad insistendum alibi in secularibus negotiis compellatur*; should be compelled to imploy himselfe in secular affaires elsewhere; *CONTRA LEGEM ET CONSVETVDINEM REGNI NOSTRI*, contrary to the Law, and Custome of our Realme. A cleare resolution, That Cleargy. mens intermeddling with secular offices and affaires, is contrary to the very Common Law, and Custome of the Realme, and a very unseemly thing.

* Antiquitates Ecclesie
Brit. p. 139
140. 141.

* Mathew Parker, Archbishop of Canterbury, in the life of Hubert his predecessor, records; that about the year of our Lord, 1197. there was nothing found and sincere in the Christian republicke: that the whole Cleargy under a feined and counterfeit shew of religion, did wallow without punishment in wickednesses, in bribes, in honors and rapines, neglecting utterly the preaching of Gods word. The originall (saith hee) of this evill sprung from this, that the Cleargy did too much intermeddle with worldly affaires, contrary to the Decrees of the orthodox Fathers.

thers. For at that time the Deane of Paules was made Lord Treasurer; who carrying that office, quickly houred up a great treasure; at last falling into a deadly disease past recovery, hee was exhorted by the Bishops and great men to receive the Sacrament of Christs body and blood, which hee trembling at refused to doe; whereupon the King admonished and commaunded him to doe it, hee promised him thereupon to doe it the next day: being admonished to make his will, hee commaunded all to voyd the roome but one scribe. † Who beginning to write his will in the accustomed formes, in the name of the Father, of the Sonne, &c. the Deane perceiving it, commaunded him in a rage to blot it out, and these words onely to be written: † I bequeath all my goods to my Lord the King, my body to the grave, and my soule to the Devill; which being uttered, hee gave up the Ghost. * The King hereupon commaunded his carcase to be carried into a Cart, and drowned in the river. This sort of examples (*writes hee*) are therefore to be produced, that Cleargy men may be deterred from being Lord Treasurers, Collectors of the Kings Customes, and from civill and publike employments. In Huberts time all secular offices almost were in Cleargy-mens hands; for some of them were Chauncellours, some Iustices, some Treasurers of the Kingdome; others had other offices in all the Kings Courts, and pluralities of many great livings besides: which wealth, honours, offices, and dignities, as it made them like to Kings in state and magnificence; so it puffed

† *A strange
event & death
of a Cleargy
Lord Treas-
urer, who
like Iudas,
Christ's
Treasurer &
Baggage-
rer, died in
despaire.*
† *Legō
omnia bona
mea Domino
Regi, corpus
sepulture,
Animan
Diabolo. Quo
dillo expira-
vit, &c.*
* *Note.*

* See Nicholas de Clemangin, De Corrupto Ecclesia statu: c. 17. 18.

19. an excellent Discourse against Bps, intermeddling in temporall affaires, and bearing civill offices.

Henry Stallbridge his exhortatory Epistle, against the pompish Popish Bishops of England, as yet the true members of their Father the great Antichrist of Rome, written in King Henry the 8. his raigne, and the Supplication to King Henry the 8. An. 1544.

them up with such pride and arrogance, that in the 36. yeare of King Henry the third, they were remooved from all civill offices and honours, at the instant request and desire of the greaest Noblemen, to whom the same offices were committed. Hence some of all orders in our present times, have most sharply * reprehended the Cleargy for this very thing, that being advaunced to the degree of divinity, then which nothing in humane life ought to be deemed more holy, they should be hindred therefrom with secular busineses, as with servile workes, and being withdrawen from divine things, should give themselves to pecuniary and exchequer affaires which are most estranged from the dignity of their life, by which some (as appears by the example of that Dean of Paules) have made shipwrack both of Conscience and soule to. Wilhelmus Nubrigensis speaking of Hugh, Bishop of Duresme, for intermeddling with the procuration of temporall affaires, hath these words: That office (to wit, of Lord Chauncellour or cheife justice) was committed by the King to the Bishop of Duresme, who did not so much as refuse, but chearfully embrace it; who verily contenting himselfe with his proper office, had much more decently beene a Minister of Gods Law, then of mans; since no man can serve both, as hee ought. And that saying of our Lord to the Apostles, *ye cannot serve God and Mammon*, did principally respect the Apostles Successors. For if a Bishop that hee may please both the heavenly and earthly King, at once will devide himselfe to both offices:

sices: Verily the heavenly King, who wills that men should serve him with all the heart, with all the soule, and with all the strenght, doth neither approve, nor love, nor accept his divine ministry. What then will hee doe, if a Bishop doth not give peradventure not so much as halfe of himselfe to execute the things which are of God, and become a Bishop; but committs his cures to unworthy and remisse executioners, that hee may wholly serve an earthly Court or Palace? For no halfe man can sufficiently administer the offices of an earthly Prince. By which sentences and examples wee verily are admonished, that assiduous care and study of Cleargy men, in worldly and civill affaires, which makes them prove slow and unfit to divine things, is by all meanes to be reprovved, and that the complaint of those is very unjust, who tax them for not intermeddling with temporall affaires, and study to call them back from divine things, to which they ought with all their might to apply themselves. *Thus this Archbishop*

* in the raigne of King Edward the 3. An. 1371. at a Parliament holden at London, upon a Petition of the temporall Lords, the Bishops were remooved from the temporall offices of Chauncellor, Treasurer, Clerke of the privy Seale, and Laymen put into their places: *they being commonly the cheife plotters and contriwers of all treasons, conspiracies, and rebellions, the very incendiaries, pests, and greivances both of the Church and State, the cheifest instruments to advaunce the Popes usurped authority, though with the prejudice of the Kings, (which they never cordially affected) and the Arch-enemies*

* Thomas
Walsingham
Ypodigma
Neustria,
An. 1371.
p. 132.

mies

4 See Anti-
quitates Ec-
clesie Brit.
in their
lives. Had-
don, *Quæ-
stiones*
Oforium. l. 3
f. 251.
Fox *Act.* &
Moniments
p. 168. 169
174. 175.
178. 181.
to 207. 214
10219. 227
10234. 248
249. 303.
320. 321.
350. 409.
410. 479.
533 1035
1036.
1132.
1897.
1899. and
elsewhere.
Halls Chro-
nicle, Anno
16. H. 8.
f. 138. &c.
Dr. Henry
Stalbridge
his exhorta-
tory Epistle.
Dr. Barnes
his Supplica-
tion to King
Henry the 8.
Master Tyn-
dals Practise of Popish Prelates. Thomas Becon his Supplication, 1 Act. 20. 29.

mies of the Common-weale, through their pride, oppression, covetousnes, rebellion, and tyranny, when they have beene in office, as appeares by † Anselme, Becket, Arundell, William Bishop of Ely, Cardinall Woolsey, Stephen Gardener, with others forecited.

How safe therefore it may be for your Majesty, either in point of piety or policy, to intrust them with the managing of temporall State affaires, neglecting preaching, and their owne spirituall functions, or to permit them dayly, to incroach upon your Ecclesiasticall Prerogative, as they have dangerously presumed of late in an high degree, I humbly submit to your Royall wisdom; who as you are best able to right your selfe against their usurpations here presented to, your Princely view, (which your faithfull Subjects dare not now so much as whisper against for feare of ruine, both to themselves and their families, if they once fall into your potent Prelates talents, who are most implacably bent against all such, as are most able and ready to pleade Gods cause and your Majesties against their impious, superstitious, disloyall innovations: it being now more safe to be a Iesuite, or Traytor to your Majesty, then an enemy to your Bishops disloyall proceedings) so are you every way meekest, both in respect of your Sovereigne power, and authority to, rescue your poore oppressed woored Subjects from these ravenous & Wolves, under

whose

whose cruelty, injustice, and manifold exactions, they now grone and languish, a short view whereof the second part of this *Breviate* will represent unto your Highnes. Alas, the condition of your best Subjects now is such, that they know not whether to flie for succour or releife against your * Prelates injustice, tyranny, vexations, exactions, oppreSSIONS, who by their policy and potency have blocked up all wayes of succour and redresse. If any Subject heretofore had beene injured by them, hee might have releived himselfe by a *Prohibition*, an *Action of the case*, or *Premunire* at the common Law; But now they have sued out a *Prohibition* against *Prohibitions* themselves, that they may play *Rex*, and doe what they list without controll: and hee, who would right himselfe by an *Action of the case* or *Premunire*, can neither finde counsell, who dare plead for him, nor Iudges who dare suffer, much lesse encourage him to proceed: As for appeales, as they are with much cost and difficulty rarely obtained, so are they commonly a remedy worse then the disease, and but a leape out of the frying panne into the fire, as the proverbe is. If any debarred of these legall remedies, appeale immediately to your Majesty for releife, their Supplications are either forestalled, perverted, or suppressed before they can finde access to your Royall presence by the Bishops and their agents, or else referred back againe to themselves, (which is nothing

*Vident aliqui eos qui Pastores gregis & Episcopi populi esse debent. Vbi studium doctrinae apud habet? Vbi legum vel pietatis & religionis vera, vel priorum quidam & ipsorum custodia? Aut quid jam inter horum, & tyrannica illa veterum imperia interest? An minus ardent regni cupiditate? An remissius expetunt splendorem divitiarum? aut verecundius libidinis obsequiis indulgent? aut clementius dominantur? Alexander Alejus. Ordinat, Ecclesie Angliae Proem. apud Bucer Scripta Anglicana. p. 371.

else in truth, but to put the lambe that flies for shelter to the shepheard, from the wolfe into the wolfes owne mouth that would devoure him, and to make the persecutor his owne Iudge and Executioner to:) who being both enemies, the parties complained against and their owne Iudges in their owne case, (*though * unmeet and unreasonable, that they should be so, and contrary to all Lawes,*) are sure to passe sentence against the complainer, and so to proceed against him even for seeking releife, that hee shall neither have meanes, nor ability, nor courage left him to complaine the second time, though more oppressed then before. This being the deplored condition of † *many* of your best Subjects, as well Ministers as people, who languish, groane, yea perish under the Prelates tyranny, malice, cruelty, oppressions and extortions, alas poore, Creatures, what shall they doe? where shall they complaine? whether shall they flie for shelter or releife? To your Iudges: they may not; to your sacred person, they cannot; to whom else, they know not any upon earth: Onely they have one gappe open (which the Prelates as much as may be labour to hedge up, though in vaine, by inhibiting all private Christian Fasts and assemblies) to flie to God by hearty prayer and humiliation, *I so power out their soules, their greifes, their complaints before him, and shew him of their troubles*: If it were not for this one posterne, their very hearts would breake, their spirits die within them, and they perish for ever under these their pressures. I beseech your most excellent Majesty therefore upon the bened

* See Fox
Acts and
Moniments
p. 1024.
1520.

† See Doctor
Barnes his
Supplication
to King Henry
the 8.

ps. 142.2
ps 62. 8.

ded knees of my soule (as & others heretofore have in
the like case besought your Royall Progenitors) both to
 consider and commiserate the distressed condition
 of your oppressed, persecuted faithfull loyall Ministers
 & people, (with which I perswade my selfe you have
 beene hitherto unacquainted) who dayly power out
 many fervent prayers to heaven, both for your Ma-
 jesties happinesse safety, and against your Prelates ty-
 ranny and injustice, which have long since peirced
 the cloudes and craved justice, & *yea vengeance against*
them, both from heaven and earth. Your Subjects all
 know for their comfort, that as you of your selfe are a
 most just and gracious Prince; so you have proclai-
 med it with your owne Royall mouth in the highest
 Court of justice, and registred it on record: *u that*
your Maxime is, that the peoples Liberty strengthens the
Kings Prerogative; and that the Kings Prerogative is to
defend the peoples Liberties. And for their further com-
 fort, in your owne royall *x Declaration to all your lo.*
ving Subjects, concerning the causes of the last Parli-
ments dissolution, published by your speciall command,
An. 1628. you have since that made this solemne
 Protestation: *Wee call God to record before whom wee*
stand, that it is, and alwayes hath beene our hearts de-
sire, to be found worthy of that title which wee accompt
the most glorious in all our Crowne, Defender of the
faith: neither shall wee ever give way to the authori-
*zing of any thing, wherby any * Innovation may creep*
into *his Majesties authority.* See *his Majesties Declaration before the 29. Articles, to the same*
effect.

† William
 Wraghton:
 Dr. Barnes,
 and the Au-
 thor of the
 2. Supplica-
 tions to
 King Henry
 the 8. Mr.
 William
 Tyndall, the
 Supplication
 to Queen Eli-
 zabeth, &c.
 clames. 5.
 4. 6. 10.
 u His Mjes
 Speech in
 Parliament
 June 7.
 1628. print-
 ed at the
 end of the
 Petition of
 Right.
 x Page. 21.
 22. 23.
 42. 43.
 * Therefore
 all the late
 Innovations
 in Doctrine,
 in Discipline
 which our
 Prelates and
 their agents
 have made,
 are without
 and against

into the Church, but preserve that unity of Doctrine and Discipline, established in the time of Queen Elizabeth, whereby the Church of England hath stood and flourished ever since. And wee doe here professe to maintaine the true Religion and Doctrine established in the Church of England, without admitting or conniving, at any backsliding, either to Poperie or Schisme. Our care is & hereafter, shall be, to preserve the auncient liberties of our Subjects, and to keepe them intire and inviolable, as wee would doe our owne right and Soerainty. Wee doe also declare, that wee will maintaine the ancient and just Rights and Liberties of our Subjects, with so much constancy and justice, that they shall have cause to knowlege, that under our government and gracious protection, they live in a more happy and free estate, then any Subjects in the Christian World. Wee doe professe, that as it is our duty, so it shall be our care to command and direct well, but it is the part of Officers to performe the Ministeriall Office. Wee shall accompt our selfe, and all charitable men will accompt us innocent both with God and men: and those that are negligent, wee will esteeme as culpable both to God and us; and therefore will expect, that hereafter they give us a better accompt. Which Royall Declaration (together with that other, before the 39. Articles, prohibiting all innovations in Doctrine and Discipline in the least degree,) as it assures every faithfull loyall Subject, that all the late manifold dangerous Innovations in Religion, Ceremonies, and Doctrine, the late pernicious, absurd, prophane Popish, Arminian and licentious Bookes, published by the Bishops authority, in affront of your Majesties Declarations, with the severall

* Mount-
gus, Iack son,
Cofew, Wid-
dower, Shel-
ford, Reve,
Chonne,
Weite, Hey-
lyn, Herynge
Pocklington,
with sundry
others.

vera
and
Maj
sure
rann
offic
Hig
in e
in y
then
to al
sures
will
as cu
such
sper
own
bert
thes
all y
mor
clam
Arch
and
* C
Ecc
ex c
& r
pro

verall encroachments on your Subjects Liberties, and just ancient Rights, here represented to your Majesty, are directly contrary to your Royall pleasure, and the sole exorbitances of your insolent, tyrannicall, violent domineering Prelates and their officials; so it gives me more then hope, that your Highnes (who are † *Singulis de Regno vestro* † *Register.* in exhibitione Iustitiæ Debitor, and are wont *pars. 2. f. 7. a. 10. a. b. 15* in your *Writes to your Officers and Judges*, to enjoyne *a. 38 b. 127 b. 180. a. 122. 125. 126.* them, to doe *plenam & celerem Iustitiam*, to all your Subjects which complaine of any injustice, presures, or delays:) upon the perusall of this Breviate will call them to a speedy strict accompt for the same, as culpable both to God and your Majesty; and inflict such condigne punishments on them, as their desperate presumptuous encroachments upon your owne Crowne and dignity, upon your Peoples Liberties and ancient Rights, and contempts against these your Declarations demerit, notwithstanding all your former favours toward them. It was a memorable speech of King Edward the third, in his Proclamation against that insolent Prelate John Stratford, Archbishop of Canterbury, (whom hee most favoured and trusted) upon some complaints against him:

* Cum ipse & alij Prelati regni qui de nobis Ecclesiarum suarum temporalia recipiunt, ex debito fidelitatis juratæ fidem, honorem & reverentiam debeant exhibere; solus ipse, pro fide, perfidiam, pro honore contumeliam,

* *Antiquitates Ecclesie Brit. p. 255. Fox Acts & Monuments p. 350.*

liam, & contemptum: pro reverentia red-
dere non veretur. Vndè etſi paratiſſimus &
ſemper fuerimus Patres ſpirituales, ut con-
venit, revereri; eorum tamen offenſas, quas
in noſtri, & regni noſtri periculum redun-
dare conſpicimus; **NON DEBEMUS CON-**
NIVENTIBUS OCULIS PRÆTERIRE.

I doubt not, but as your Maſteſty may juſtly take up
the ſame complaint, or a farre worſe againſt ſome or
moſt of your Prelates now; ſo you will arme your
ſelfe with the like juſt and Royall reſolution; *that you*
ought not to paſſe by with conniving eyes, theſe their of-
fences, here humbly preſented to your veiw, which
you ſee every day more and more to redound, both
to the eccliſpe and danger of your owne Eccleſiaſti-
call Iuriſdiction, and of your Kingdome too; if not
of that true ancient faith and Doctrinè of the Church
of England, of which you are the cheife Defendor.

* *Plurarch.*
Apothegm.
Philippus.
* *Mr. George*
Huntly, Mr.
Peter Smart, * *It is ſtoried of King Philip of Macedon, That a cer-*
Mr. Vicars, taine poore oppreſſed old woman oft times petitioning him
Mr. Worke-
man, Maſter *to heare her cauſe, the King at laſt gave her this anſwere,*
Ward, Mr. That hee was not at leaſure to doe it. Wherevnto ſhee pre-
Wrath, Mr.
Crowder, *ſently replied; Noli itaque regnare; doe not*
Mr. Snelling therefore raigne. Which ſpeech hee admiring, ſorth-
with ſundry *with heard not onely her cauſe and complaints, but many*
other Mini- *ſters. Doctoſt others in proper perſon. Your Maſteſty hath not one or*
Baſtwicke, *two, but a* * *great multitude of poore oppreſſed*
Mr. Thomas *Subjeſts, now lying mourning and pining away under*
Brucer, and *divers other your Biſhops preſſures, tyranny, unjuſt procee-*
Laymen, *dings*

dings and censures (some of whose cases this *Breviate* will acquaint you with) who though they have not oft petitioned your Majesty for releife, as this poore woman did *Philip*, nor received the like answere from you, as shee did from him, yet their cases are as worthy your Roall audience, as hers was of *Philips*, if they could have such free accessse to your Majesty with their complaints as shee had to him; the Prelates greatnes, power, and vigilancy being such, that those who are oppressed by them, either cannot, or dare not appeale to your Majesty for releife, and those who doe, though upon never so just grounds, are reputed factious, schismaticall, Seditious, and I know not what besides for their paines: yea as that worthy Martyr, *Doctor Barnes* in his *Supplication to King Henry the 8.* writes p. 183. Now it is so farre come, that whosoever hee be, high or low, poore or rich, wise or foolish, that speaketh against them and their vicious living, hee is either made a Traytor unto your grace, or an heretike, enemy or schismaticke against holy Church, as though they were kings or Gods. And if any man spoake of Gods Law and right conscience against this their damnable tyranny, litle will they sicke to make him an heretike. And if that will not helpe, & to colour & maintaine their oppression, then adde they treason, sedition, rebellion and contempt against your Grace, though hee be never so true a Subject. I beseech you therefore upon the bended knees of my heart & soule, to imitate King *Philip*, in giving them a full, a speedy and gracious hearing even in your owne Royall Person: and if your more weighty publike State-affaires will not afford you so much

much leasure, appoint some faithfull trusty tempo-
rall Lords and Gentlemen of quality, to be your
Commissioners to inquire after, heare and deter-
mine all their greivances, pressures, illegall impi-
sonments, fines, suspensions, deprivations, excom-
munications, exacted fees, and other barbarous

‡ Register

part 2.

f. 125. 126

* Job. 29.

13. 14.

c Seneca De

Clementia.

hb. 1. c. 26.

† Hab. 1. 8.

Zepp. 3. 3.

Acts. 20. 29

usages and vexations, as your Royall Progenitors ‡ have
done in former times even in the case of Bishops. It was
Jobs honor and comfort in his afflictions; * that hee
was eyes to the blinde, feet to the lame, a Father to the
poore; that hee searched out the cause which hee knew
not; and brake the Iawes of the wicked, and plucked the
spoyle out of their teeth: and that the blessing of him that
was ready to perish came upon him. O let it be your
Majesties crowne and honour too in these particulars
here tendred to you. c Nullum ornamentum Trinci-
pis fastigio dignius pulchriusq; est, quam illa corona ob-
cives servatos: is one of the best and most honorable
Mottos that any Christian Prince can select; And
there is no readier way for your Majesty to intitle
your selfe thereto, then by rescuing your poore in-
nocent harmlesse woored sheeps and lambes, out
of the Iawes of these Bitesheepes, these ravenous
† evening Wolves, (though in Sheepes cloathing) who
devoure and prey upon them; especially in your Ec-
clesiasticall Commission, and that under pretence
of your Majesties authority, which they now pervert
to erect and revive an absolute, irregular, Papall and
Episcopall Iurisdiction of their owne, not derived
from your Majesty, to tread your Majesties Eccle-
siasticall Iurisdiction, and your poore Subjects liber-
ties

ties u
pish
relig
wre
scion
(who
and t
out a
tentr
holy
conv
appe
ambi
fiastic
or pr
ponti
chris
secom
bold
quire
gligen
dams
for no
Now
serve
prizes
gion a
taness
neglig
favour
to you

ties under their feet, to accomplish their owne popish, antichristian, disloyall designes, to suppress religion and preaching, to crush, roote out, and to wrecke their owne particular malice, upon your conscientious, painfull, powerfull Ministers, Preachers, (whom they now silence, suspend, excommunicate and thrust out of their livings at their pleasure, without any lawfull cause, to the great greife and discontentment of your people, because their paines and holy lives are a secret checke to their idle licentious conversations) and all others who dare publickly appeare in your Majesties quarrell, to oppose their ambitious, audacious usurpations, upon your Ecclesiasticall Prerogative and your Subjects Liberties, or presume to checke them for their non-preaching, pontificall, idle voluptuous, secular proude, unchristian lives, though good Father *Latimer in his second and fourth Sermon*, before King Edward, was so bold with them for these their enormities, as to require *him in Gods behalfe, to make all the packe of negligent, non-preaching, rare-preaching Bishops, Quondams, & to cast them out of their office, as unsavory salt, fit for nothing but to be cast out, and trodden under mens feet.* Now the great ** King of Kings, & Lord of Lords*, so preserve & direct your Majesty in all your pious enterprises, for the preservation & propagatiō of true religion among us; the keeping out of Popish errors, profanities (which flow in apace upon us; by your Prelates negligence, practises and connivance) who are more favourable to Preists and Iesuites, though Trayters to your Majesty by the Statute of 27. *Eliz. c. 2.* then

L

unto

*17. *Revel.*
14. *cap. 19.*
16.

unto Puritans (as they stile them) who defend your Crowne and Prerogative Royall like faithfull Subjects, against their Episcopall and all Papall encroachments) the maintenance of your owne Ecclesiasticall Prerogative, with the releife, the rescue of your poore afflicted Subjects against the Prelates insolent encroachments, oppressions, exorbitances; and the advancement of the publike welfare both of this Church and State; that ~~the~~ religion, with the sincere preaching and preachers of Gods word (of late trodden under foote) may once more flourish, Gods heavy Iudgement of the plague broken out in many places, by your *execution of Judgements like another Phinehas*, on these notorious malefactors, *be speedily stayed: (Psal. 106. 30.)* and you may long enjoy a glorious Crowne *OB CIVIS SERVATOS* in this life; and in the world to come, a Crowne of glory which fadeth not away.

So prayeth your Loyall and true hearted Subject

W. HUNTLY.

Conj
Can
stun
they
the s
cense
Ord
sayd
impr
tion
160
that
N I



A Breviate of the Prelates usurpations
upon the Kings Prerogative
Royall against expresse Sta-
tutes.

THe Statute of 25. Hen. 8. c. 19. upon
the Clergies owne submission and Petition, ^{I.} Against
Enacts: that, no Convocation or Synod of the Bishops Vi-
Clergy should be made or summoned; but by ^{situation Ar-}
the Kings writ: and that, the Clergy, nor any ^{ticles, Or-}
of them, should from thenceforth attempt; or ^{ders, Constitu-}
presume, to alledge, claime, or put in ure, any ^{tutions and}
Innova-
tions.
Constitutions or ordinances Provinciall or Synodall, or any other
Canons; nor shall enact, promulge or execute any such Canons; Con-
stitutions or ordinances provincially, by whatsoever name or names
they may be called, in their Convocations in time coming, unlesse
the same Clergy may have the Kings most Royall assent: and li-
cense, to make, promulge, and execute such Canons, Constitutions, and
Ordinances Provinciall or Synodall; upon paine of every one of the
sayd Clergy doing contrary to this; and being thereof convicted, to suffer
imprisonment, and make fine at the Kings Will: In prosecu-
tion of which Act, the Prelates themselves in their Canons An.
1603. Can. 12. decree thus; Whosoever shall hereafter affirme,
that it is lawfull **FOR ANY SORT OF MI-**
NISTERS and lay persons, or either of them, to joyne to-
gether

gover and make rules, orders, and Constitutions in causes Eccle-
~~siasticall~~ **WITHOUT THE KINGS AUTHORITY**

Therefore **RITES** and shall & submit themselves to be ruled and governed
 all Church-wardens & ~~in the~~ **IPSO FACTO**,
 Sidenen ~~and~~ **and** ~~publickly~~ **and** ~~revoke~~ **those** ~~their~~
 who receive, ~~submitt~~ **and** ~~present~~ **upon** ~~our~~ **Bishops & Archdeacons**
 and present ~~upon~~ **our** ~~Bishops & Archdeacons~~ **Visitacion**
 Articles, made by themselves alone, without the Kings authority, and themselves who make and presse them, are ~~ipso facto~~ **excommunicated by this Canon.**
 a At the end of them.

Yet every Archbishop, Bishop, and Archdeacon in their
 Visitations and Consistories, now take upon them, without the
 Kings Patent, License, privy or authority, to make and forme
 new Constitutions, Censures, Canons, Articles, and Oathes
 too; when they print, publish, and give in charge to Church-
 wardens to enquire off up in Oath, to their owne names onely,
 and by their owne authority, forcing the people to submit
 unto them; Yeathreawing Churchwardens and others with the
 Star-chamber and High Commission in case they refuse to sweare,
 submit to, or neglect to inquire or present, upon all their ~~numerous~~
 Visitation-Articles, and all the severall branches of them; (as ap-
 peares by the late printed 4. Articles, of that proud pragmatieall
 P. late **Matthew Wren**, Bishop of **Norwich**, An. 1636.
 the strangest ever yet published, wherein hee shewes him-
 selfe not a **Regulus** or **Rex** alone, but a plaine **Antichristian**
Pope and **Tyrant** Lording it over the persons consciences, not
 onely of Ministers and people, but likewise over the Scriptures,
 of the Realme and Liberties of the Subject.) All which they
 doe, as if they were absolute Lawgivers; Lords, and Mo-
 narches, and every of them as much, as great, as powerfull as
 the most usurping Pope, or a King and Parliament put both
 together. Aid for the better colouring and countenancing of
 this their dishonourable insolent tyranny, they have most treacher-
 ously corrupted the 20. Article of our Church, though ratified
 by Parliament, Anno 13. Eliz. c. 12. by foisting this new
 clause into it: *The Church hath power to decree Rites and Cere-
 monies, and authority in matters of faith: which words are nei-
 ther*

ther in the *Latine* nor *Engl^{ish}* Articles printed 1562. and 1571.
 which runne thus quite contrary in a maner: It is not lawfull
 for the Church to ordaine any thing that is contrary to Gods
 word, &c. Now by Church in this additionall clause, the Bil-
 hops who forged it, intend and meane not the King and Par-
 liament, b but themselves alone, the Church, that is, Bishops and
 Churchmen; when as this word as c Master William Tyndall, dals An-
 and d Bishop Bilson severally affirme, is never either in the whole swer to Sir
 Scripture or in the Fathers (nor nor in any other of the Articles Thomas
 of our Church or in our Homilies) taken in this sence, as our Dis- Moores Dia-
 hops and Clergy after the Popish guise begin to use it, but p 250.
 onely for the whole Congregation, or Christian state, in which 251. in his
 sence it is used in the 19. 21. 33. 36. 37. Articles: and in the workes.
 34. Article, to which all our Bishops and Ministers subscribe, c Ibidem.
 which expressly determines against this their audacious practise; d The true
 That the Traditions and Ceremonies of the Church, are (and ought difference
 to be) ordained and approved BY COMMON Christian
 AUTHORITY. (to wit, by Parliament: and therefore subjection
 those who willingly and purposely breake them, ought to be openly Vncristian
 rebuked, as those that offend against the Common Order of the Rebellion,
 Church, and hurt the authority OF THE MA- p. 164. to
 GISTRATE, (not Bishops or Clergy, who have no 165.
 power to make Ecclesiasticall Lawes or Ceremonies.) Their
 corrupting therefore of the very Articles of Religion, and
 mis-interpreting of the word Church, to e advance their owne e Tyndall's
 Antichristian power and Hierarchy; and their publishing, Bilson, qua
 printing, prescribing in their owne names rights, contrary to supra.
 this Act, Visitation, Oathes, Articles, Orders, Ceremonies,
 Constitutions, &c. (of which all our Prelates are more or
 lesse guilty) is such an audacious usurping; tyrannicall, disloy-
 all insolency, as hath neither beene heard off, nor suffred in
 former ages, Bishop Foxner that bloodsucking Pretane being the
 first that began it,) neither have any of the greatest temporall
 Lords or Judges at any time presumed to print, prescribe or
 publish any new Edicts, Orders, Oathes, Injunctions, Ar-

f Can 12.

g In the Pa-
tents of 26.
32. 33. 36.
37. H. 8.
c. 5. E. 6.
pars. 1.

* Defensor
Pach, pars. 2
c. 28.

ticles in their owne names and rights, to be observed, inquired of, or presented on by his Majesty Subjects, unlesse authorized by some speciall Act of Parliament and Charters so to doe, as some Corporations are, who by common consent may make by-Lawes, to oblige themselves alone, not others. For which undutifull insolency all our domineering Prelates, have incurred the penalty of this Statute; and are *ipso facto* excommunicated besides by their owne f Canon, till they publicly renounce and revoke these their wicked and Anabaptistcally Erronious Articles, Constitutions, and Practises; from which their Predecessors were so farre estranged, that for feare of a *Premunire* and other punishments to light upon them, they durst not in King Henry the 8. or Edward the 6 his raigne (after this Act and the Statute of 26. H. 8. c. 1.) so much as to keepe a Consistory Court or Visitation, untill they had sued out severall speciall Patents and Licenses (of which there are divers in the 8 Rolles yet extant,) authorizing them to doe it, and that onely in the Kings owne name, right, steed, and by his authority, not their owne; whose example our present Prelates ought, both in point of Loyalty and duety, to imitate. Which since they refuse to doe, and thus still most trayterously proceed to make new Articles, Canons, Ceremonies, Oathes, Constitutions, and enforce them on the Subjects by threatates, excommunications, suspensions, deprivations, imprisonments, and the like in their owne names, rights and authorities, without the consent of King and Parliament; let them heare what a doome * *Marsilius Patavinus* hath long since pronounced against them for it, in these very words: *The makers and publishers* (saith hee) *of such Articles and Ecclesiasticall Decrees without the speciall license of the faithfull Law-giver (which hee makes the Parliament, or whole body of a State or City) or of the Prince, and those who induce any to the observation of them, by surreptitious words, or compell any to obey them, by threatening eternall damnation, or by blaspheming, excommunicating, or pronouncing other maledictions against any one by word or writing,* (as

our

our Prelates have lately done against many in all places) *CORPORALITER SUNT EXTREMO PUNIENDI SUPPLICIO, TANQUAM CONSPIRATORES, ET CIVILIS SCHISMATIS CONCITATORES*: are to be corporally punished, with extreme or capitall punishments, as Conspirators and the stirrers up of a civill Schisme. *EST ENIM GRAVISSIMA SPECIES CRIMINIS LESÆ MAJESTATIS, QUONIAM IN PRINCIPATUM DIRECTE COMMITTITUR* &c. For it is most greivous kinde of Treason of all other, because it is directly committed against the Princes Royall Crowne and Dignity; it is also tending to set upon plurality of supreme governours, and so by consequence of necessity it produceth a dissolution of every politike government, and of the State it selfe. If therefore *Marsilius* of Padua may be the ludge, our Prelates making, printing, publishing and enjoying of new Articles, Oathes, Orders, Ceremonies, Rites, &c. in their owne names and authorities, without the Kings and Parliaments consent, and their excommunicating, silencing, suspending and persecuting his Majesties Subjects for not submitting thereunto, is a great Conspiracy, Schisme and High-Treason, both against the King and Kingdome; and they deserve no lesse then capitall punishments to be inflicted on them for the same; which I would now advise them to consider off, to abate their pride and arrogance; they being onely Pastours, to teach, exhort, and reprove; not Princes, Magistrates, or Parliaments, to prescribe or enforce Lawes, which Bishops may not doe, as * Bishop *Bilson* himselfe hath expressly resolved.

* The true difference betweene Christian Subjection and unchristian Rebellion, p. 127.

2. The Statutes of 2. and 3. Ed. 6. c. 1. and 5. and 6. Ed. 6. c. 12. and the Rubricke in the Booke of Common prayer, before the forme of the Solemnization of Matrimony, confirmed by the Statutes of 5. and 6. Ed. 6. c. 1. 1. Eliz. c. 1. and the Kings owne proclamation, ordaine, That no man shall or ought to be

Against their granting of Licenses to marry, without one Bank.

* Articles to be inquired in the visitation, An.

1559.

Artic. 43.

* See the Lawbookes quoted by Asb. in his Generall Promptuary or Table to the Law: Charter. 1.

2. Register, pars. 1. fol. 170. a.

174. a.

295. b.

297. b.

198. a.

Magna

Charta. c. 7.

Prærog. Re-

gii. c. 4.

32. H. 8.

c. 18. 26.

Ass. 57.

32. H. 6.

52. 15. Ed.

4. 13. 4. H.

7. 1. Fitz. 1.

Stamford

29. Ruth.

Sell. 1. 4.

2. 12. 13.

25. 28. 30.

to be married till his Banes be first asked, three severall times in the Church in three Sundayes or Holy-dayes, the people being present: with which * Queen Elizabeths Articles accord.

Yet every Archbishop, Bishop and their Chauncellours (without any Patent from his Majesty, who hath the * sole authority to graunt Licenses for marriages, and to dispense with the Lawes and Ordinances) take upon them, even in their owne names, and under their owne Seales, like for many Kings and Popes, to graunt Licenses for money to any person or persons to marry without any Banes first asked; of which they make a great annuall revenue. Which presumptuous dispensations, being an apparent usurpation upon his Majesties Prerogative Royall, and an exercising of Regall Authority without any graunt or Commission from his Majesty: Mariage it selfe being a meere naturall and civill contract, (made onely by the 6 parties owne mutuall consent,) common to all beasts, to all Infidels, Pagans and all sorts of men, as well as Christians; and awnlessly solemnized, contracted before the 5 Magistrates and Parents, without any Priest or Minister, in private houses not in Churches; and these Licenses to marry without Banes, first asked in the Church, a meere temporall not spirituall thing, as are the Kings Licenses of Conge deslier, for consecration of Bishops, Churches, Chapples, presentations to Benefices, and the like, though the Cures themselves, Churches and Tithes be spirituall, (else it were 8 Symony in them to sell them for money.)

1. Fitz. 1. 31. 33. Natura Bre. 174. 175. c. d. 264. a. Dyer. 123. p. 18. Lib. Intrai. f. 128. 426. c. Gen. 6. 2. 11. 29. Ruth. 1. 6. 34. 9. 10. 11. Sum. Angelica. Tit. Matrimonium. Linder. Sell. 1. 4. 107. d. Gen. 7. 2. 3. 9. c. Gen. 2. 24. Hebr. 13. 4. 1. Cor. 7. 2. 12. 13. 14. 15. f. Ruth. 4. 9. 10. 11. Gen. 24. 67. c. 29. 22. 23. 24. 25. 28. 30. g. Sum. Angelica. Tit. Symonia. with others.

and f
foric
Maje
punif
Licen
whor
the J

3.
bifhop
have
under
head
Script
termi
funne
shall a
nerall
Arch
be ma
his H
and V
edher
and d
thereb
and y
made
nances
might
* fals
have n

Maje
trary

and farme them out at an yearly rent ;) and the profit thereof forich a perquisite ; Whether this their encroachment on his Majesties Royalties , be not fit to be severely and exemplarily punished for the time past , and the power of graunting such Licenses, meet to be engrossed into his Majesties hands (to whom onely it of right belongs) for time to come ; I leave to the Judges, and his Majesties Connsell to resolve.

3. The Statute of 37. H. 8. c. 17. concludes, *That Arch-bishops, Bishops, Archdeacons, and other Ecclesiasticall persons, have no maner of Jurisdiction Ecclesiasticall, but by, from and under the Kings Majesty, the onely and undoubted Supreamie* *Against Bishops pretended Jurisdictione* *Divino, and* *head of the Church of England and Ireland, to whom by holy making of Scripture all authority and power is wholly given to heare and de- termine all maner causes Ecclesiasticall; and to correct all vice and* *Chancel- lours, and* *exercising* *sonne whatsoever* *to all such persons as the Kings Majesty Ecclesiasti- shall appoint thereto. And that all Chancellours, Vicars ge- neral, Commissaries, Officials, Scribes and Registers, to any* *Archbishop, Bishop, Archdeacon or other Ecclesiasticall person shall be made, ordained, constituted, and deputed by the Kings Majesty* *Letters and* *Patents.* *his Heires or Successors, as his Vicegerents, Commissaries, Judges* *Not the* *and Visitors; Receiting with all, that the Bishop of Rome and his Bishops.* *adherents minding utterly as much as in them lay to abolish observe,* *b Linde- woods Con- stis. Provin. lib. 3. De Clericu con- jugatis.* *and delete this power given by God, to the Princes of the earth, that* *thereby they might gather and get to themselves the government* *f. 94. 95.* ** Note.* *and rule of the world, had in their Councells and Synods provincially,* *made (even here at home) ordained and established divers ordi- nances and constitutions, that* *b no lay or married man, should or might exercise or occupie any Jurisdiction Ecclesiasticall, least their* ** false and usurped power, which they pretended and went about to have in Christs Church, should decay, wax vile, and of no reputation.*

Yet the Archbishops and Bishops, presuming on his Majesties favour, and their owne great swaying authority, contrary to this Statute, claime all their Episcopall Jurisdiction,

M

not

i Delivered
in a dis-
course inti-
tuled Fla-
gellum Pon-
tifici & E-
piscoporum
Latialium,
against the
Popes pre-
tended su-
periority,
and Mo-
narchy over
Kings and
other Mi-
nisters one-
ly.

* Thūhu Re-
prooffe of
Dormau.

fol. 43. 44.
45.

k In his
Praxū E-
piscoporum,
Et de Iure
Episcopali.
Et Ger-
fonius Bu-
cerus, dis-
sertatio de
Gubernatione Ecclesie.

l 1. & 2. Philip. & Mary. cap. 8.
m Chowne, Collectiones Theologicæ quorundam conclusionum Londini, 1635.
Dedicated to the Archbishop and licensed by his Chaplaine, pag. 53.

not by, from, and under the King, but *Iure divino*; censuring
and persecuting those who plead for the Kings right according
to this Statute; as appeared in the late case of Doctor
Bastwick, who was sentenced meereley for this opinion;
That Episcopall Jurisdiction over Ministers and others,
is not Iure Divino, but onely from the grant and donation of
Princes; and that Bishops and Ministers Iure Divino, are
one and the same. For which they might have as well censured
Hierome, Augustine, Sedulius, Primasius, Ambrose,
Chrysostome, Beda, Rabanus Maurus, Isidor, Hispan-
lensis, Haymo, Remigius, Alexander Alenfis, Anselmus,
Archbishop of Canterbury, Richardus Armachanus, Primate
of all Ireland, Bishop Jewell, Bishop Alley, Bishop Hooper,
* Master Deane Novell, Doctor Whitaker, Doctor Willer,
Master Fox, with all the Prelates and Clergy of England,
in their Institution a Christian man, Chap. of Orders, whom
hee hath & since proved to be of the same opinion, and all
the reformed Churches and Protestant Writers too beyond
the Seas. They exercise all Ecclesiasticall Jurisdiction in their
owne names and rights alone, they make every one his
owne Commissarie, Chauncellour, Vicar generall, Officiall,
Visitor, Register, and Scribe; wresting this right from his
Majesty: They deny ^l any Jurisdiction Ecclesiasticall to ap-
pertaine to any Laymen, wlesse derived to them by themselves
alone; affirming and publishing in some late printed books
m That all Ecclesiasticall Lawes derive their vitality and viva-
city from the Prelates. (not from Princes.) as from the heart and

head, and that all Ecclesiasticall affaires are to be ordered by them alone, in affront of this good Statute.

4. The Statute of 1. Ed. 6. c. 2. enabling the King to make *Against* Bishops by his Letters Patents onely, ordaines; that whereau *their keeping* the Archbishops, Bishops, and other spirituall persons in this *of Courts & Visitations* Realme, did use to make and sent out their Summons, Citations, and other Proces in their owne names, and in such forme *without Letters Patents,* and maner as was used in the time of the * usurped power of the *and making* Bishop of Rome, contrary to the forme and order of the Summons and processe of the Common-Law used in the Realme; seeing *out Proces & Probates in* that all authority of Jurisdiction, spirituall and temporall, is devoured and deducted from the Kings Majesty, as the supreme Seales. *names and* head of these Churches and Realmes of England and Ireland, * Note. *and so justly acknowledged by the Clergy of the sayd Realmes;* and that all Courts Ecclesiasticall within the sayd two Realmes be kept by no other power or authority, either forraigne or within the Realme, but by the authority of the Kings most excellent Majesty. That therefore all Summons, Citations, and other processe Ecclesiasticall in all suites and causes of instance, probates of testaments, Inquiries of lure Patronatus, Commissions of Administrators; or Collectors, should from the first day of July then next following, be made in the name and with the stile of the King, as it is in writs originall and Judiciall at the Common-Law; and the teste thereof onely in the Bishops and Archbishops name, or other having Ecclesiasticall Jurisdiction, who hath THE COMMISSION AND GRANT OF THE AUTHORITY ECCLESIASTICALL IMMEDIATELY FROM THE KINGS HIGHNES, (An expresse resolution that none can or ought to exercise Ecclesiasticall Jurisdiction but by speciall grant and Commission from the King.) And that all maner of person or persons having the exercise of Ecclesiasticall Jurisdiction, shall from thenceforth have in their Seales of Office, the Kings Highnesse armes decently set,

¶ Articles to
be imposed
on the visi-
tation, An.

1559.

Artic. 43.

¶ See the

Lawbookes

quoted by

Ashtan in his

Generall

Presyntryary

or Table to

the Law:

Charter. 1.

2. Register,

part. 1.

fol. 170. a

174. a.

295. b.

297. b.

198. a.

Magna

Charta c. 7.

Prærog. Re-

gii. c. 4.

32. H. 8.

c. 18. 26.

Aff. 57.

32. H. 6.

52. 15. Ed.

4. 13. 4. H.

7. 1. Fitz. 1. i. v. 31. 33.

Natura Bre. 174.

175. c. d. 264. a.

Dyer. 123. p. 11.

Stamford

Præ. c. 4. f. 19. 22.

Lib. Intrat. f. 228. 426.

c. Gen. 6. 2. & 11.

29. Ruth. 1. 6. & 4. 9.

10. 11. Sum. Angelica. Tit. Matrimonium

Littleton

Señ. 104. 107.

d. Gen. 7. 2. 3. 9.

e. Gen. 2. 24. Hebr. 13. 4. 1. Cor. 7.

2. 12. 13. 14. 15.

f. Ruth. 4. 9. 10. 11.

Gen. 24. 67. c. 29. 22. 23. 24.

25. 28. 30.

to be married till his Burialle first asked, three severall times in the Church in three Sundayes or Holy-dayes, the people being present, with which ¶ Queen Elizabeths Articles accord.

Yet every Archbifshop, Bifshop and their Chauncellours (without any Patent from his Majesty, who hath the sole authority to graunt Licenfes for marriages, and to difpenfe with the Lawes and Ordinances) take upon them, even in their owne names, and under their owne Seales, like to many Kings and Popes, to graunt Licenfes for money to any perfon or perfons to marry without any Banes first asked; of which they make a great annuall revenue. Which prefumptuous difpenfations, being an apparent ufurpation upon his Majesties Prerogative Royall, and an exercifing of Regall Authority without any graunt or Commiffion from his Majesty: Mariage it felfe being a meere naturall and civill contract, (made onely by the e parties owne mutuall confents,) common to all beafts, to all Infidels, Pagans and all forts of men, as well as Chriftians; and awfully folemnized contracted before the f Magiftrales and Parsons, without any Prieft or Minifter, in private houfes not in Churches; and thefe Licenfes to marry without Banes, first asked in the Church, a meere temporall not spirituall thing, as are the Kings Licenfes of Conge delier, for confecration of Bifhops, Churches, Chapples, prefentations to Benefices, and the like, though the Cures themfelves, Churches and Tithes be spirituall, (elife it were g Symony in them to fell them for money)

Sum. Angelica. Tit. Symonia. with others.

Maje-
trary

and forme them out at an yearly rent;) and the profits thereof so rich a perquisite; Whether this their encroachment on his Majesties Royalties, be not fit to be severely and exemplarily punished for the time past, and the power of granting such Licenses, meet to be engrossed into his Majesties hands (to whom onely it of right belongs) for time to come; I leave to the Judges, and his Majesties Counsell to resolve.

3. The Statute of 37. H. 8. c. 17. concludes, *That Arch- Against Bis-*
bishops, Bishops, Archdeacons, and other Ecclesiasticall persons,
have no manner of Jurisdiction Ecclesiasticall, but by, from and
under the Kings Majesty, the onely and undoubted supreme Divine, and
head of the Church of England and Ireland, to whom by holy making of
Scripture all authority and power is wholly given to heare and de-
termine all manner causes Ecclesiasticall; and to correct all vice and
sinne whatsoever & to all such persons as the Kings Majesty Ecclesiasti-
shall appoint thereto. And that all Chancellours, Vicars ge- call Juris-
nerall, Commissaries, Officials, Scribes and Registers, to any diction
Archbishop, Bishop, Archdeacon or other Ecclesiasticall person shall without
be made, ordained, constituted, and deputed by the Kings Majesty Letters and
his Heires or Successors, as his Vicegerents, Commissaries, Judges & Not the
and Visitors; Reciting with all, that the Bishop of Rome and his Bishops.
adherents minding utterly as much as in them lay to abolish obscure, b Linde-
and delete this power given by God, to the Princes of the earth, that
thereby they might gather and get to themselves the governement. his. Provin.
and rule of the world, had in their Councells and Synods provinciall, lib: 3. De
made (even here at home) ordained and established divers ordi- jugati.
nances and constitutions, that, b no lay or married man, should or f. 94. 95.
might exercise or occupie any Jurisdiction Ecclesiasticall, least their
** false and usurped power, which they pretended and went about to*
have in Christs Church, should decay, wax vile, and of no reputation.

Yet the Archbishops and Bishops, presuming on his Majesties favour, and their owne great swaying authority, contrary to this Statute, claime all their Episcopall Jurisdiction,

M

not

not by, from, and under the King, but *Iure divino*; censuring and persecuting those who plead for the Kings right according to this Statute; as appeared in the late case of Doctor

i Delivered
in a dis-
course inti-
tuled Fla-
gellum Pon-
tificis & E-
piscoporum
Latium,
against the
Popes pre-
tended su-
periority,
and Mo-
narchy over
Kings and
other Mi-
nisters one-
ly.

* *ThñbuRe-*
prose of
Dormau.

fol. 43. 44.

k In his
Praxis E-
piscoporum,
& de Iure
Episcopali.
Et Ger-
sonius Bu-
cerus, dis-

sertatio de Gubernatione Ecclesie. l. 1. & 2. Philip. & Mary. cap. 18.
McChownen, Collectiones Theologicæ quorundam conclusionum Londini, 1635.
Dedicated to the Archbishop and licensed by his Chaplaine, pag. 53.

That Episcopall Jurisdiction over Ministers and others, is not Iure Divino, but onely from the grant and donation of Princes; and that Bishops and Ministers Iure Divino, are one and the same. For which they might have as well censured Hierome, Augustine, Sedulius, Primasius, Ambrose, Chrysostome, Beda, Rabanus Maurus, Isidor, Hispalensis, Haymo, Remigius, Alexander Alesius, Anselmus, Archbishop of Canterbury, Richardus Armachanus, Primate of all Ireland, Bishop Jewell, Bishop Alley, Bishop Hooper, * Master Deane Novell, Doctor Whitaker, Doctor Willer, Master Fox, with all the Prelates and Clergy of England, in their Institution a Christian man, Chap. of Orders, whom hee hath since proved to be of the same opinion, and all the reformed Churches and Protestant Writers too beyond the Seas. They exercise all Ecclesiasticall Jurisdiction in their owne names and rights alone, they make every one his owne Commissarie, Chauncellour, Vicar generall, Officiall, Visitor, Register, and Scribe; wresting this right from his Majesty: They deny any Jurisdiction Ecclesiasticall to appertaine to any Laymen, wlesse derived to them by themselves alone; affirming and publishing in some late printed books That all Ecclesiasticall Lawes derive their vitality and vivacity from the Prelates. (not from Princes) as from the heart and

head, and that all Ecclesiasticall affaires are to be ordered by them alone, in affront of this good Statute.

4. The Statute of 1. Ed. 6. c. 2. enabling the King to make Against Bishops by his Letters Patents onely, ordaines; that whereas their keeping of Courts & the Archbishops, Bishops, and other spiritual persons in this Visitations of Courts & Realme, did use to make and sent out their Summons, Citations, and other Proses in their owne names, and in such forme without Letters Patents, and manner as was used in the time of the * usurped power of the Bishop of Rome, contrary to the forme and order of the Summons and processe of the Common-Law used in the Realme; seeing Probates in their owne names and that all authority of Jurisdiction, spiritual and temporall, is derived and deduced from the Kings Majesty, as the supreme Seales. head of these Churches and Realmes of England and Ireland, * Note. and so justly acknowledged by the Clergy of the sayd Realmes; and that all Courts Ecclesiasticall within the sayd two Realmes be kept by no other power or authority, either forraigne or within Ergo Bishops can keep the Realme, but by the authority of the Kings most excellent no Courts but by special Majesty. That therefore all Summons, Citations, and other processe Ecclesiasticall in all suites and causes of instance, probates by special Patent of testaments, Inquiries of lure Patronatus, Commissions of Admistrators; or Collectors, should from the first day of July then King and in the next following, be made in the name and with the stile of the King, in his name and as it is in writs originall and Judicall at the Common-Law; and rights. and the teste thereof onely in the Bishops and Archbishops name, or other having Ecclesiasticall Jurisdiction, who hath THE COMMISSION AND GRANT OF THE AUTHORITY ECCLESIASTICAL IMMEDIATELY FROM THE KINGS HIGHNES, (An expresse resolution that none can or ought to exercise Ecclesiasticall Jurisdiction but by special grant and Commission from the King.) And that all manner of person or persons having the exercise of Ecclesiasticall Jurisdiction, shall from thenceforth have in their Seales of Office, the Kings Highnesse armes decently set,

with certaine Carells under the armes for knowledge of the Dioces, and shall use no other seale of Jurisdiction, but wherein his Majesties armes be engraven; upon paine, that if any person shall use Ecclesiasticall Jurisdiction (after the foresaid day) within this Realme of England, Wales or other the Kings Dominions; and not make and send out the Proceffe or Citation in the Kings name, or use any Seale of Jurisdiction, other then before limited; that every such offender shall incurre and runne in the Kings Majesties displeasure and indignation, and suffer imprisonment at his Highnes will and pleasure.

Vpon this Statute (being but a meere declaration of the ancient Common Law) within three yeares after the making thereof, a † *Premunire* was brought against Bishop Farrar, † *Fox Acts* upon pretence, that hee omitted the Kings name and Stile in a *Monuments* Commission of his for a Visitation; which had it beene true, hee had smarted for it. Hence all the Bishops in King Ed. 6. time, made after this Statute, were created Bishops by his Letters Patents onely, in which all parts of their Ecclesiasticall Jurisdiction were granted them by the King; in precise words; as things *Præter & ultra jus divinum*; to be executed onely, *Nomine, vice, & autoritate nostris Regijs*; In the Kings Royall steed, name and authority; as the words of Coverdales, Ponets, Scoryes, and others Patents 5. Ed. 6. *pars prima* in the Rolls, declare. And accordingly all their Proces, Sentences, Probate of Wills, and Commissions of Administration, (of which there are some yet extant under the Kings owne Seale) both in the Prerogative Court of Canterbury and elsewhere, were made out onely in the Kings name, and under his Seale, according to this Act and the Contents of their owne Letters Patents, and all their owne Registers in those times witnes; & *Regia autoritate fulcitus*, was a usuall clause in all their writings and Procs whatsoever, till Queen Mary by her Prelates procurement,

caused

caused to be expunged, upon the revivall of the Popes authority;
 as Master Fox records in his *Acts and Monuments*, page
 1294. The Bishops 1. *Maria*, cap. 2. got this Statute re-
 pealed, till which time they used the Kings Stile and Seale in
 all their proces, Commissions, and all other their proceedings.
 And then because the Popes usurped power and Jurisdiction
 was restored; they revived their old proceedings againe,
 & doing all in their owne names, and under their owne seales.
 The Statute of 1. *Jacobi* c. 25. repealed that Act of repeale, and
 revived this Statute againe; which in truth, * being but a
 meer Declaration of the Common Law, giving no new, but
 onely reviving & declaring the Kings old rightfull Ecclesiasticall
 Jurisdiction and restoring it to the Crowne, (our Bishoppricks
 themselves, with all the Episcopall and Ecclesiasticall Jurisdiction
 united to them, being originally derived to Bishops by the
 Consecration and Charters of Princes; not from any divine right or insti-
 tution: as is evident, and expressly resolved by 17. *Edw.* 3. 40.
 4. *Register* pars 2. r. 77. 78. 37. *H.* 8. c. 17. 1. *Edw.* 6. c. 2.
 1. *Eliz.* c. 1. 31. *H.* 8. c. 9. *Eadmerus historia Novorum*,
 lib. 4. pag. 95. 96. *Joannis Seldeni Spicilegium*, ibidem pag.
 209. to 213. *Gooawins Catalogue of Bishops*, and our histories
 and Lawbookes :) needed no revivall at all; and was suffi-
 ciently revived by 1. *Eliz.* c. 1. before the Statute of 1. *Jacobi*.
 A truth so cleare, that no Prelate, Iudge or Loyall Subject, can
 or dares deny it. Hereupon in the Parliaments of 30. and 70.
Jacobi, the Bishops were proceeded against, and two of them
 in a manner attained in a *Fraemture* by the Lower-house of Par-
 liament, for making Citations and Proces in their owne names,
 and using their owne Seales, contrary to this Statute, and the very
 Common-Law, in derogation of the Kings Prerogative, and
 maintenance of the Popes usurped power, or an Episcopall Juris-
 diction of their owne, nor derived from the King: who by the Sta-
 tute of 1. *Eliz.* c. 1. hath as large and ample Ecclesiasticall Ju-
 risdiction as King Henry the 8. or *Edw.* 6. enjoyed, as 8. *Eliz.*
 c. 1. resolves: and therefore ought to have all proceedings, Ci-
 tations,

† 1 & 2.

Philip and

Mary, c. 8.

* See Sir

John Davi

Irish Re-

ports. f. 97.

98.

* See Fran-

cis Mason

bu Consecra-

tion of Bif-

shops, l. 4. c. 9

10. 11. 12.

15. E. 3.

Statute de

Provisis.

Rastall Pro-

vision and

Præmunire,

Cooke's In-

stitutes,

f. 94 a.

tations, Proces, Censures in all Ecclesiasticall Courts, made in his owne name, and with his owne Seale alone, that so bearing his name, his *† Image and Supercription onely, they might be*

† Maib. 22. knowne and acknowledged to be his, and to be kept by his Regall authority: whereas now they are onely called and reported the Bishops Courts and Consistories, not the Kings, because

* See Sir
Iohn Davies
Reports.
f. 97. 98.

* *all things are there done and transacted in their names, under their Seales alone*, by each of them apart, when as yet in the High Commission, wherein all their forces and Iurisdicktions are combined, they can doe nothing at all, but by a speciall Commission under his Majesties great Seale, nor send out any Proces but in his name alone, under his speciall Seale, the very forme whereof is expressed in the body of their last Commission: An unanswerable argument, that they who alltogether can doe nothing but by his Majesties speciall Commission, Seale, and in his name alone; can (at leastwise ought to) doe as little or lesse without it, when they are devided in their severall Iurisdicktions, in the selfe-same or such like Ecclesiasticall causes, which they handle in their High-Commission.

The Bishops, and all Ecclesiasticall Officers notwithstanding all the Premises and this expresse Statute, for the advancement, the Supportation of the Kings Ecclesiasticall Prerogative, and the abandoning of all Papall or usurped Ecclesiasticall Iurisdicktion then Practised by our Prelates; still most presumptuously persevere both to keepe their Courts, and make all their Proces, Summons, Citations, and Censures in their owne names and Stiles, not the Kings; as if *King Charles* had lesse then his, (and themselves more inherent Ecclesiasticall Iurisdicktion then their Predecessors, and their Courts were onely their owne, not his;) and use no other Seale of office but their owne armes onely, not his Majesties; for which they are all in a *Premunire*; yet such is their power, greatnesse and violence

(as

* (as it was in ancient times ,) that none may speake a-
 gainst or question this their disloyalty and usurpation upon his
 Majesties Crowne and dignity , or so much as plead his Royall of Beggars.
 right herein against them , (though bound thereto by his Fox Acts &
 Oath of Supremacy and allegiance ;) but hee is forthwith Monuments
 imprisoned , fined , persecuted , as if hee were some notorious Mr. Tyndals
 Heretique , Rebelle , or Capitall Malefactor ; neither dare Praefise of
 his Majesties temporall sworne Judges or Officers ; (some of Popish Pre-
 lates , and
 them now fearing our domineering Archbishops more then Master
 God , then his Majesty , or Hell it selfe) reliefe or countenance Wraughtons
 him. And can they then be his Majesties Freinds , or aliàs Tur-
 Loyall Subjects , who thus vex and torture those who ners burn-
 maintaine his Lawes and just Ecclesiasticall Prerogative , ring of the
 yea keepe Visitation Courts , Consistories , and exercise all Romish
 manner of spirituall Jurisdiction , without any speciall Fox. 25. H.
COMMISSION, OR GRANT 8. c. 14. Dr.
 of Ecclesiasticall Jurisdiction , from , by , or under his Supplication Barnes his
 Majesty , which this Act , and 2. H. 5. c. 1. 31. to King. H. 8.
 H. 8. c. 14. 32. H. 8. c. 17. 14. Eliz. c. 5. by
 name require ?) coyning their Proceffe and proceedings
 with their owne names and Seales , not his. If any Pre-
 late should presume to coyne mony , and stampe his owne
 Image , Name or armes thereon , every man would repute qSec 2. & 3.
 it counterfeit , and him a Traytor or felon at the least ; and Ed. 6. c. 17.
 commend , assist all such , who should detect or accuse him
 of such a Capitall crime. And is not their coyning of their
 Courts , Proceffe , Citations , and Ecclesiasticall proce-
 dings in their owne names , with their owne Episcopall
 Seales , as bad ? Certainly if the Judges of the Kings
 Bench , or other his Majesties temporall Courts , should
 doe thus , the Bishops themselves would be the first , who
 would proclaime them Traitors , Rebels ; and no Sub-
 jects would obey their Proceffe , but reject them as coun-
 terfeit coyne.

Why

Why then should not the Iudges (his Majesties , not
 the Bishops * sworne Officers) and other good Subjects , say
 * 18. Ed. 3. as much of them , and their proceedings : having neither Casars
 Stat. 3. Image nor Superscription which they have quite obliterated , and in
 1. Eliz. 6. 1. stead thereof thrust in their owne , as Sir John Davis long since ob-
 served in his Irish Reports , fol. 98. in the case of Premunire : the
 least punishment they have incurred for this audacious attempt,
 which is nought else , but a pulling of his Majesties Royall
 Crowne and Diademme from his sacred head , to put it on
 their owne. It is tried of † Alexander the Great , that pas-
 sing over the River Euphrates , his Crowne fell of his head into the
 † Nicoph. Rom. Hist. l. 10. f. 55. midst of the River , which a certaine Mariner recovering by
 & Plutarch. swimming , because hee could not otherwise save and carry it to the
 Alexander. ship , hee put it on his head , and so brought it to Alexander : who
 thereupon gave him a talent for recovering his Crowne , but yet cut
 of his head , because hee had unworthily set it thus on his owne head.
 Certainly should his Majesty serve all our Bishops and Arch-
 bishops thus for putting on his Crowne on their owne heades ,
 when as there is , thanks be to God , no such perill of losing
 it , or necessity to doe it , as in this case of Alexanders , they
 had but just their demerits for this their audacious insolence
 most of them being raised meerey from the dunghill only by
 his Majesties speciall favour , not their owne demerits , as they
 must needs acknowledge. Wherefore let themselves and
 their Abbettors thinke what they please , that they are the Kings
 best Subjects ; that those are Schismatickes and Seditious per-
 sons , who oppose them in these their disloyall proceedings ; yet
 doubtlesse all Loyall Subjects and the King himselfe , may most
 justly complaine against them in the very words of that notable
 Writt in the Register , pars 2. fol. 61. stiled : Ad Iura
 Regia ; Turbatur , nec immerito , & movemur ;
 dum illos qui sub nostro degunt dominio , & ibidem
 beneficiis & redditibus honorantur , quo prætectu in
 defensione & tuitione jurium : Regiæ Coronæ
 ipsos

ipsos nobis assistere condeceret, eadem jura erectis contra nos cervicibus conspicimus satagentes, pro viribus impugnare: † in grave præjudicium & læ-^s *Note.* sionem Regiæ dignitatis nostræ, &c. For which I shall leave them to his Majesties Justice: desiring them and all their flatterers to re-mineate upon this excellent Passage in *Sir John Davis his Irish Reports*, London, 1628. f. 97. 98. the Case of *Præmunire*, wherein he thus excellently relates the true originall & progresse of all Ecclesiasticall Courts, Causes and Jurisdicions; and the ingratitude of Bishops to their Sovereignes in blotting out their Princes Images, Titles, and Supercriptions out of their Courts, Seales and Proces, and the reasons why they did it.

First then, let us see, when this distinction of Ecclesiasticall or spirituall caus^{es}, from civile and temporall causes, did first begin, in point of Jurisdiction. Assuredly for the space of three hundred yeares after Christ, this distinction was not knowne or heard of in the Christian world. For the causes of Testaments, of Matrimony, of Bastardy, and Adultery, and the rest which are called Ecclesiasticall or spirituall causes, were meere civill & determined by the rules of the civile Law, and subject onely to the Jurisdiction of the civile Magistrate, as all civilians will testifie with me. But after that the Emperours had received the Christian faith, out of a zeale and desire they had, to grace and honor the Learned and Godly Bishops of that time, they were pleased to single out certaine speciall causes, wherein they granted Jurisdiction unto the Bishops: namely in cases of Tyths, because they were payed to men of the Church: In causes of Matrimony, because marriages were for the most part solemnized in the Church: In cases Testimentory, because Testaments were many times made in extremis, when Churchmen were present, giving spirituall comfort to the Testator, and therefore they were thought the fittest persons to take the probates of such Testaments. Howbeit these Bishops did not proceede in these causes according to the Canons and Decrees of the Church (for the Canon Law was not then hatched or dreamt off) but according

to the Rules of the Imperiall Law ; as the civile Magistrate did proceed in other causes, neither did the Emperours, in giving this Jurisdiction unto them, give away their owne supreme and absolute power, to correct & punish these Judges, as well as others if they performed not their severall duties. This then is most certaine that the primitive Jurisdiction in all these causes, was in the Civill Magistrate, and so in right it remaineth at this day, and though it be derived from him, it remaineth in him, as in a Fountain. For every Christian Monarch (as well as the Godly Kings of Juda) is *custos utriusque Tabula*, and consequently hath power to punish, not onely Treason, Murder, Theft, in all manner of Force and fraud, but incest, adultery, usury, perjury, Simony, forcery, idolatry, blasphemy, neither are these causes in respect of their owne quality and nature, to be distinguished one from another by the names of spirituall or temporall. For why is adultery a spirituall cause, rather then murder, when they are both offences against the second Table, or Idolatry, rather then perjury, being both offences likewise against the first Table? And indeed if wee consider the natures of these causes, it will seeme somewhat absurd; that they are distinguished by the name of spirituall and temporall, for to speake properly, that which is opposed to spirituall, should be tearmed carnall: And that which is opposed to temporall, should be called eternall. And therefore if things were called by their proper names, adultery should not be called a spirituall offence, but a Carnall. But shall I expresse plainly and briefly, why these causes were first denominated, some spirituall or Ecclesiasticall, and others temporall and Civill? Truly, they were so called, not from the nature of the causes, as I said before, but from the quality of the persons, whom the Prince had made Judges in these causes. The Clergy did study spirituall things, and did professe to live secundum spiritum, and were called spirituall men, and therefore they called the causes, wherein Princes had given them Jurisdiction, spirituall causes, after their owne name and quality. But because the Lay Magistrates were said to intend in this

things of this world, which are temporall and transitory, the Clergy called them secular or temporall men, and the causes wherein they were Judges temporall causes: * This distinction began first in the Court of Rome, were the Clergy having by this Jurisdiction gotten great wealth, their wealth begot pride, their pride begot ingratitude towards Princes, who first gave them their Jurisdiction, and then, according to the nature of all ungratefull persons, they went about to extinguish the memory of the benefit: for whereas their Jurisdiction was first derived from Caesar, in the execution whereof they were Caesars Judges, so as both their Courts, and causes ought still to have borne Caesars Image and Superscription, as belonging unto Caesar; They blotted Caesars name out of the style of their Courts, and called them Courts Christian, as if the Courts holden by other Magistrates had beene in Comparison but Courts of Ethnicks, and the causes which in their nature were meere Civile, they called Spirituall and Ecclesiasticall. So as if the Emperor should challenge his Courts, and causes againe, and say, Reddite Cæsari, quæ sunt Cæsaris, they would all cry out on the contrary part, and say, date Deo, quæ sunt Dei, our Courts beare the name and Title of Christ, the Superscription of Caesar is quite worne out, and not to be found upon them. And this point of their Policy is worth the observing, that when they found their Jurisdiction in Matrimoniall causes, to be the most sweet, and gainfull of all other (for of Matrimony they made matter of Mony indeed) to the end that Caesar might never resume so rich a perquisit of their spirituall Jurisdiction, they reduced Matrimony into the Number of the seaven Sacraments. After which time it had beene sacriledge, if the civile Magistrate had intermeddled with the least matter that had relation to Matrimony, or any dependancy thereupon. So then yet appeareth, that all causes whereof Ecclesiasticall or Spirituall persons have cognisance, or Jurisdiction by the grants or permission of Princes, are called Ecclesiasticall or Spirituall causes. And as all their Courts are called spirituall Courtes, so all causes determinable in these Courts, are called spirituall causes.

And therefore where Master Lalor hath acknowledged the Kings Majesty to be supreams Governour in all Ecclesiasticall causes, hee hath therein acknowledged the Kings Supremacy in all spirituall causes, wherein hee hath but rendred to Caesar, but that which is Caesars, and hath given unto his Majesty no more, then all the Bishops of England have yeelded to his Predecessors, not onely in this later age, but also in former times both before and since the Conquest, as hath bin before at large expressed.

5. The Statute of 1. Eliz. c. 1. (as also 5. Eliz. c. 1. 8. Eliz. c. 1. 26. H. 8. c. 1. 37. H. 8. c. 17.) enacts, That all Ecclesiasticall and spirituall Jurisdictions, Priviledges, Superiorities, and prebeminences, which heretofore have bene, or may lawfully be exercised, or used by any spirituall or Ecclesiasticall power, or ecclesiasticall thorty, (therefore all ordinarie as well as extra ordinarie Jurisdiction) Jurisdiction, for the Visitation of the Ecclesiasticall state & persons, & for reformation, order & correction of the same, & of all manner of Errors, Heresies, schismes, abuses, offenses, contempts and enormities whatsover in their soever, shall for ever be united and annexed to the Imperiall owne names Crowne of this Realme; and that the Queen her Heires and Successors, shall have full power and authority by vertue of that Act, by Letters Patents under the great Seale of England, to assigne, name, and authorize when, and as of en as they shall thinke meet and convenient, and for such and so long time as shall please them, (not Archbishops or Bishops who now would monopolize all Ecclesiasticall Jurisdiction to themselves,) but such person and persons, being naturall borne subjects, as they shall thinke meet, to exercise, use, occupie, and execute under them, all manner of Jurisdictions, priviledges, and prebeminences (therefore all ordinary as well as extra ordinare) in any way touching or concerning Ecclesiasticall Jurisdiction, within the Realmes of England, and Ireland, or any other the Kings Dominions, and to visite, reforme, redresse, order, correct and amend all Errors, Heresies, Schismes, Abuses, offenses, contempts and enormities whatsoever, punishable by any Ecclesiasticall power, authority, or Jurisdiction; and that

Against the
Bishops and
their Offi-
cials exerci-
sing of Ec-
clesiasticall
Jurisdiction
and keeping
Visitations
or Consisto-
ries in their
owne names
without spe-
ciall Patents
and Commis-
sions under
the Kings
great Seale.
Let the
Archbishop
who contests
with his So-
veraigne for
this power,
make this
clause well.

such
A
TE
LI
ty
PA
fors
D
FE
TE
ding
it fur
orde
to m
cular
test a
as ap
bridg
and o
prebe
every
or M
or wa
make
I
King
all oth
tuall o
forreig
ought
or aut
therefo
diction
that bu
Highn

Therefore
not before or
without
such Letters
Patents.

such person or persons so named, authorized and appointed by them,

AFTER THE SAID LETTERS PATENTS TO THEM MADE AND DELIVERED as is afore sayd, shall have full power and authority by vertue of this Act, and of the SAID LETTERS PATENTS, under your Highnes, your Heires and Successors, to exercise, use and execute all the premises; **ACCORDING TO THE TENOR AND EFFECT OF THE SAID LETTERS PATENTS**, any matter or cause to the contrary notwithstanding: And for the better observation and maintenance of this Act; it further enacts; That every Archbishop (who is the first men ordered by this Act, and their owne first Canons, An. 1603. to maintaine the Kings Prerogative in all the forenamed particulars, and yet now the men that first dare question and contest against it with his Majesty even before his Royall presence, as appears by the late case concerning the Visitation of Cambridge:) Bishops and all and every other Ecclesiasticall person, and other Ecclesiasticall Officer and Minister of what estate, dignity, prebeminence, or degree soever hee or they be or shall be, and all and every temporall Judge, Major and other Lay or temporall Officer or Minister, and every other person having the Kings Highnes fee or wages within this Realme, and every the Kings Dominions, shall make, take, and receive this corporall Oath upon the Evangelist. **I A. B. doe utterly testify and declare in my conscience**, that the Kings Highnes is the onely supreme Governour in this Realme, and all other his Highnes Dominions and Countreies as well in all spirituall or Ecclesiasticall things, or causes, as temporall; and that no forreigne Prince, person, Prelate, state, or Potentate, hath, or ought to have any jurisdiction, power, superiority, prebeminence or authority Ecclesiasticall or spirituall within this Realme; and therefore I doe utterly renounce and forsake all forraigne jurisdictions, powers, superorities, and authorities; and doe promise, that henceforth I shall beare faith and true allegiance to the Kings Highnes, his Heires and lawfull successors, **AND TO**

† See 28.
H. 8. c. 10.

MY POWER SHALL ASSIST AND

** Ordinarius* DEFEND all Jurisdictions, privileges, prebeminances, and authorities granted or belonging to the Kings Highnes, his Heires and Successors, or united, and annexed to the Imperial Crowne of this Realme. So helpe me God, and by the contents of this Booke. Which Oath every Officer and Minister is now take, by the Statute of 5. Eliz. c. 1.

Cookes Institutes f. 96.

a. If then the Judges allow Bishops or Bishops

usurpe to themselves, Ordinary Jurisdiction

without any Patent from the King in their owne immediate right, this is to allow an Ecclesiasticall Jurisdiction in the Realme, not united to or derived from the Crowne, and to deny the Kings supremacy in ordinary Ecclesiasticall causes,

*These Statutes, unite all manner of Ecclesiasticall Jurisdiction whatsoever (therefore as well * ordinary as extraordinary)*

else the King should be supreme Governour onely in extraordinary Ecclesiasticall causes) to the Crowne, together with all Prerogatives, privileges, and prebeminences whatsoever thereunto belonging; whereof this is the chiefe, that all Ecclesiasticall Courts, proceffe and proceedings should be kept and made, onely in his Majesties name, and by his Royall authority; that so the might be knowne to be his Courts and Proceffe: as his coyne and Patents from their Courts are by this meanes knowne to be his. And further, they provide expressly, that none shall exercise any manner of Ecclesiasticall Jurisdiction (be it ordinary or extraordinary) within any the Kings Dominions, but by vertue of his Majesties special Letters Patents; and that none shall visite, or correct any person for any Ecclesiasticall offences, contempts, Errors, &c. but by his Majesties speciall Letters Patents under his great Seale authorizing him. And for the better observation and maintenance of this very thing, they prescribe this Oath of Supremacy and Allegiance, to the Archbishops, Bishops, and all Ecclesiasticall persons, and Officers whatsoever, to this very end, that they should not dare to exercise any Ecclesiasticall Jurisdiction, or keep any Consistory, or visitation Courts, without his Majesties speciall Letters Patents under his broad Seale authorizing them so to doe; under paine of direct willfull perjury and disloyalty.

contrary to this and the forecited Acts. f See 1 E. 6 c 2. 5. E. 6. pars. 1. in the Rolls Coverdales and Scories Patents. Sir Iohn Davin Report f. 98. Matth. 22. 19. 20. 21.

And

And on the other side, that all temporall & Judges, Ju-
 rics, Majors, Officers and those who receive any fees or wages
 from the King, and all Barresters, Serjeants at Law and Gra-
 duates in either University, should likewise take this Oath, to the
 intent they should not suffer any Archbishop, Bishop, or Ec-
 clesiasticall person, Officer or Minister, to exercise any Ec-
 clesiasticall Iurisdiction, or keepe any Consistories, Courts, or
 Visitations, but by his Majesties speciall Letters Patents, and
 in his Majesties name and right, (as they ought to doe by the
 very Common & Law, their Bishopricks themselves, and all their
 Episcopall power and Jurisdiction being meereley derived from
 his Majesty by Letters Patents, and to be exercised onely in his
 feeld and right alone, by a derivative power from, by and un-
 der him, as the Statutes of 37. H. 8. c. 17. & 1. E. 6. c. 2.
 resolve) and as they constantly did in King Edward the 6. and
 King Henry the eight dayes (the Queen then, and her Succes-
 sors since having as * full and ample Ecclesiasticall Jurisdiction,
 as those two Princes had before; and the Prelates no more Di-
 vine right thereunto now, then in King Edwards dayes, which
 they dare not once deny: and that they should resist & withstand
 them to uttermost of their power, under peine of perjury and
 disloyalty to his Majesty, his Crowne and dignity, in case
 any of them should attempt the contrary. Our Archbishops,
 Bishops, and Ecclesiasticall persons with their Judges, Of-
 ficers, and Ministers therefore, not onely renuing and
 bringing in the Canon and Civill Law of Popes, of for-
 raigne Princes, and Councils, to rule and judge his Majesties
 Subjects by without any Act of Parliament, (which is a * cleare
 bringing in and setting up of a forraigne power & Jurisdiction within
 this Realme, contrary so the very words of the Oath of Supre-
 macy and allegiance, and the Statutes of 25. H. 8. c. 19. 1. Eliz.
 c. 15. Eliz. c. 1. & 3. Jac. c. 4. as the Bookes called Miles & Cle-
 ricus: and William Wraughton in the hunting of the Romish Fox,
 with others have long since notably proved; For which they are all in
 a * Præmunire by the resolution of these and other Statutes:)

* Who take
 a more pun-
 thū purpose,
 prescribed by
 the Statute
 of 18. Ed. 3.
 Statute 3.
 which I wish
 they would
 seriously con-
 sider.

131. H. 8. c.
 9. 1. E. 6. c.
 2. Eadmerus
 hist. Novor.
 lib. 4. p. 95.
 96. & Seld.
 Spicil. ibid.
 p. 209. to
 213. 17 E. 3
 40. a. and
 Godw. Cata.
 of Bps. Re-
 gister ps. 2.
 f. 67. v. 68.
 a Cooke's In-
 str. f. 94. a.
 * 1. Eliz. c. 8
 5. Eliz. c. 1.
 8. Eliz. c. 1.
 Bp Latin.
 Sermon. of
 the Plough.
 125. H. 8.
 c. 13. 20.
 28. H. 8. c.
 10. 16. 35
 4 Ed 6. c.
 11. 22. H.
 8. c. 15.

But likewise keeping Consistory Courts, Visitations, and exercising all manner, Ecclesiasticall Jurisdiction, both in their owne names, and without any such speciall Patents under the broad Seale of England enabling them, (though they condemn themselves by doing quite otherwise in the High Commission,) must needs be guilty of Perjury, Disloyalty, and High Contempt to his Majesty, his Royall Crowne and dignity; and so are all such temporall Iudges, Iustices, Officers, Lawyers, Schollers and other persons, who have taken this Oath, if they withstand not this notorious usurpation, upon his Majesties Prerogative in cases Ecclesiasticall, to the utmost of their power, as this Oath obligeth them, both in point of Conscience and Loyalty to doe.

The Officers in most of his Majesties temporall Courts established by Law, have beene lately questioned for such extorted fees, which no Patent or Statute authorized them to take; and have compounded with his Majesty for the same.

* *A good and just Project, to raise money for his Majesties supply.*

† Brooke
Præmunire,
21. 22. H.
8. c. 15. 3.
§ 4. E. 6.
c. 11.
x Reg. ps. 2.
f. 125. 126
See Asb.
Extortion,
11. 12. §
Indissemment
10.

Whether the * Bishops, and their Officers (who both encroch and exact many new and greater fees for the probate of wills and granting of administrations, then the Statute it selfe allowes them to receive; grant Licenses to marry without any Banes, first asked, (contrary to the forecited Statutes and the Booke of Common Prayer, as if they were absolute Kings, to dispense with Lawes) keepe Courts and Visitations (wherein they use many extortions and oppressions) without any Lawfull authority or Letters Patents from his Majesty in their owne Names and rights alone (incurring thereby a * *Præmunire*) ought not much more to be deeply fined to his Majesty for these usurpations, presumptions, extortions, disloyalties, I referre to the wildome and Iudgement of those, who are best able to determine, and cause it to be put in execution too, if necessity so require, for his Majesties best advantage, who may x *justly* squeeze these Spunges, for their unjust exactions and extortions on his subjects, without Law or Patent, and seise all their

thei
ban
clai
frau
Kin
if be
Eyre
usag
aga
and
prese
of
curr
for
belo
intit
selfe
lawf
bish
can p
rizing
nods
fions
ters
ry wi
owne
scribe
ticles
tution
9. H.
tem Se
Stamf

their temporalities and offices as Forfeited, into his Royall hands.

If any Lay man or Prelate, though never so great, claime or exercise any temporall or Civill Jurisdiction, fraunchise, Royalty or Priviledge without a Charter from the King or his progenitors, a *Quo warranto* lieth against him, and if hee can produce no such Charter, nor any allowance in ancient Eyres to intitle himselfe thereto, but onely a bare prescription and usage (though time out of mind) the King shall have judgement against him, and his said Jurisdiction, Fraunchises, Royalties, and Priviledges, shall be seised into the Kings hands forthwith: prescription being no title at all against the King in such matters of Jurisdiction and Prerogative, *Quia nullum tempus occurrit Regi*; as hath beene, & oft adjudged. So if a man for many descents together enjoyeth lands, anciently of right belonging to the Crowne, if hee can shew no Royall Charter intiteling him thereto, hee may be forthwith lawfully dispossessed of it; his bare possession, though ancient, being no lawfull title to barre the King. Sure I am, that all the Archbishops, Bishops, Archdeacons, Deanes, and their Officials can produce no ancient Patents, nor allowances in Eyre, authorizing them to keepe Consistories, Courts, Visitations, Synods, or to send out processe, Summons, Citations, Suspensions, Sequestrations, Excommunications; or to grant Letters of Administration, Probates of Wills, or Licenses to marry without asking Banes, in their owne names, or under their owne Seales; much lesse, to make, print, promulge, prescribe and impose new formes of Oathes, Ceremonies, Articles, Injunctions, Canons, Orders, Ecclesiasticall Constitutions in their Visitations, Courts, or Synods, in their owne

*1. H. 7. 23.
2. E. 4. 18.
Brooke Prescription, 18
56. 64. 65.
Fitzherbert
Prescription
7. 13. 14.
24. 40.
44. 45.
Consens. 5.
6. 16. 30.
57. Cooke 9
Report. 23.
35. H. 6.
25. 37.
H. 6. 27.
Br. Custome
5. 34. H. 6.
27. a. 14.
H. 7. 22. b.
21. E. 2. 4.
9. H. 6. 21. a. 12. H. 7. 20. b. 14. H. 7. 22. b. 35. E. 3. Villenage. 22. Little-
ten Sect. 178. Plowden. f. 321. 322. 234. 243. 247. L. quinto E. 4. fol. 111.
Stamford Prærog. f. 32. Cookes Institutes, Sect. 178.*

names, and that by their owne inherent power; or to excommunicate, silence, suspend, deprive, degrade, imprison, fine, confine, or banish any of his Majesties Loyal Subjects for infringing, or not submitting themselves to these their audacious proceedings and dangerous disloyall innovations, as now they dayly doe. Neither can they plead prescription, or long usage to justifie them in these, or any of these particulars, against the forecited Statutes still in force, interrupting, abolishing this their prescription; the rather, *because all their Pre-*

† See 26. 27. 30. 31. 36. 37. H. 8. & 2. 3. 4. 5. Ed. 6. pars. 1. in the Patent Rolls. decessors in *† King Henry the 8. and Edward the 6. several Reigns, tooke speciall Licenses, Patents and Commissions from the Crowne (for themselves alone, not their Successors) to use, and exercise all & every particular part of Ecclesiasticall Jurisdiction, & to keep their Consistories, visitations, Synods, & make out all their processe, Censures, Acts, Licenses in the Kings steed, name, and authority alone, not their owne, according to the Statutes of 26. H. 8. c. 1. 25. H. 8. c. 19. 37. H. 8. c. 17. 1. Edw. 6. c. 2. Which Statutes (as themselves, with the whole Convocation and Parliament in 1. & 2. of Phil. and Mary c. 8. confesse, in their Supplication registred in that Act) did utterly take away and abolish all their Episcopall Rights and Iurisdctions, and wholly vest them in the Crowne; whence they thus Petition the*

** 1. & 2. Phil. & Mar. 19 c. 8.* King and Queen. * *Insuper Majestatibus vestris supplicamus, ut pro sua pietate efficere dignentur, ut ea quæ ad Iurisdictionem nostram & libertatem Ecclesiasticam, pertinent sine quibus debitum nostri pastoralis officij & curæ animarum nobis commissæ exercere non possumus, nobis superiorum temporum injuria ablata restituantur, & ea nobis, & Ecclesiis perpetuò illæsa & salva permaneant, & ut omnes Leges, quæ hanc Nostram Iurisdictionem, & Libertatem Ecclesiasticam * tollunt, seu quovis modo impediunt Abrogantur, ad honorem Dei &*

Ma.

Majestatum vestrarum, &c. And hereupon it was then * The Popes and there enabled that the Ecclesiasticall Jurisdiction of the Arch- and Prelates bishops, Bishops, Ordinaries (and of the * Popes Holines and Sea Ecclesiastike too, from which all their inherent, usurped Episcopall call Jurisdiction was derived) should be in the same state, for processe of sutes; punishment of crimes, and execution of Censures of the Church, with knowledge of causes belonging to the same, and as gether. large in these points, as their Jurisdiction was in the 20. yeare of King Henry the 8. By which it is most apparant that the Bishops and whole Convocation in Queene Maryes and King Philips dayes, did not claime their Episcopall and Ecclesiasticall Jurisdiction *Jure Divino*, as our Prelates doe now, for of this they speake not one word in their Petition, but onely from the Crowne, whence they thus Petition the King and Queene to restore it to them by Parliament; that from the 25. of Henry the 8. till 2. of Phil. and Mary, the Bishops inherent power and Jurisdiction was as clearly abolished, as the Popes, (from whence it was derived) by the forecited Statutes, and that they could make no processe, keep no Courts, inflict no Censures, hold plea of no Ecclesiasticall causes, keep no Visitations, nor exercise any Ecclesiasticall Jurisdiction in their owne names or Rights, but onely in the Kings. Which Statutes being all revived, and the Kings Ecclesiasticall Jurisdiction fully restored in as large, (if not more ample) maner as ever Henry the 8. or King Edward the 6. injoyed it, by the Statutes of 1. Eliz. c. 1. 5. Eliz. c. 1. 8. Eliz. c. 1. and other Statutes since. Our Prelates and their Officials now, can no more keep Courts, Visitations, make processe, hold plea of any Ecclesiasticall causes, or any such Juridictions, in their owne right or names without speciall Patent or Commission from the King, or under their owne Seales, then their Predecessors could in these Kings Raignes. Seing therefore our Prelates and their Commissioners can plead no prescription, nor shew any Charter or Commission sincethese Statutes, enabling them to exercise all or any of the premises in their owne names or rights, and under

der their owne Seales, good reason is there that his Majesty by a *Quo Warranto* and *Premunire* should now repofseffe himfelfe and difpofseffe all them of this their usurped authority which they have too long exercised without any shadow of Law or right, to the great prejudice of his Ecclesiasticall Prerogative, and greater violation of his poore oppressed Subjects Liberties, they having now nothing left to plead against it.

From all the Statutes and Premises it is apparant.

First, That Archbishops, Bishops, Arch-Deacons, Officials and Commissaries have no power or Iurisdiction at all

a. H. 6. c. 1 to a call or Summon any Convocation Synod or Visitation, but the
 25. H. 8. Kings Majesty onely by his Writ; nor yet to make, promulge,
 c. 19. 27. publish, or execute, any Ecclesiasticall Constitutions, Canons, Ceremonies, Ordinances, Articles, or Decrees; but such as are and
 H. 8. c. 15. shall be first ratified and approved by the King and Parliament;
 37. H. 8. c. 17. 27. Eli. and that all their Visitation-Articles which they print, publish,
 c. 28. 29. and give in-charge to Churchwardens, and Sidemen to present
 Eli. the Act upon, are utterly unlawfull, and not to be admitted, received,
 of one Sub- submitted to or presented on, by any Loyall Subject; but
 sedy granted refused and withstood under peine of perjury: But especially
 by two clergy their late, strange innovating disorderly Orders and injunctions,
 31. Eli. (contrary to all Law and Canon) for turning Communion
 c. 14. 35. Tables into Altars; railing them close prisoners Altarwise against
 Eli. c. 12. the East Wall of the Church; (that no a *Habeas Corpus*
 39. Eli. 3 Iac. 25.
 c. 26. 43. 7. Iac. 22. 21. Iac. c. 32. 1. Car. c. 7. 3. Car. c. 6. b 4. Ed. 1. c. 5. 2. H. 4. c. 15. 2. H. 5.
 Eli. c. 17. c. 7. 25. H. 8. c. 19. 14. 27. H. 8. c. 15. 37. H. 8. c. 17. 31. H. 8. c. 14. 26. 32. H. 8.
 c. 5. 38. 1. Ed. 6. c. 1. 3. 34. Ed. 6. c. 11. 5. 36. Ed. 6. c. 1. 3. 4. 1. Eli. c. 1. 2. 13. Eli.
 c. 12. Eadm. Hist. Novorum. l. 1. p. 6. l. 3. p. 67. l. 4. p. 94. 95. 3. Speldeni Spicilegium, l. 1. p. 167. 168. Continuat. ad Florent. Wigornensem, p. 504. 505. Fox 1615 Monumenti
 fol. 96. Elutherius in Epistle to King Lucius, Marfilus Patavinus Defensorum Pa.
 ps. 1. c. 12. 13. pars. 2. c. 23. 24.

may thence remoove them into the body of the Church or Chauncell, when the Sacrament is administred, as the 6 Booke of Common-Prayer, & Queen Elizabeths Injunctions and the Bishops owne Canons enioyne;) enforcing the people to march up to the Altar and rayled Table by severall rankes and files, thereto receive the Sacrament kneeling at the rayle, to the great disturbance of the Communicants, contrary to the usefedge ever since reformation first brought in, standing up and quating downe againe at every Gloria Patri; bowing, caping, and scraping at every naming of Iesus in time of Divine Service and Sermons; * standing up at Athanasius and the other later Nicene Creed, and whilest the Gospell is reading, refusing to Church woemen, unlesse they come with vayles, which they doe then prescribe them: all which are directly contrary to the Booke of Common-Prayer, and other Rites and Ceremonies of the Church of England, in which they are not so much as intimated (much lesse commaunded) and to the Statute of 1. Eliz. c. 2. for the uniformity of Common Prayer; which enacts; that all Persons, Vicars, and other Ministers whatsoever shall use the said Common Prayers and Minister the Sacraments in all Cathedrall and Parish Churches, in such order and forme as they be mentioned and set forth in the said Booke: and if they shall wilfully or obstinately standing in the same use ANY OTHER RITES, CEREMONIES, ORDER, FORME OR MANNER of celebrating the Lords-Supper openly or privily, or Mattens, Evensong, administration of the Sacraments, or other open prayers THEN IS MENTIONED AND SET FORTH IN THE SAYD BOOKE; (as all those doe who use the forementioned Novell Rites, Ceremonies, Orders, new forme and manner of celebrating the Lords-

Minister, when hee consecrates the Sacrament, shall stand at the Northside of it, not at the North end. Hee therefore that consecrates and administers the Sacrament at the upper end of the Church or Chauncell at the North end of the Table turned Altarwise, consecrates and celebrates the Sacrament in another forme and manner, and with other rites & Ceremonies then the Booke of Common Prayer and the Statute prescribe, and so is liable to the Punishments therof, & so are all those Bps & their Officers who urge them so to doe.

supper, Divine Service, Churching of Woemen; and those who many without Banes thrice publicly asked in the Church, contrary to the Rubrick before the forme of *Marriage*; none of these Ceremonies, Rites and Orders, being either mentioned or set forth in the said Booke:) Or shall preach, declare, or speake any thing in the Derogation or Depraving of the said Booke, or any thing therein contained; or any part thereof; (as those doe, who preach for Altars, Rayling in and turning of Communion-Tables Altar-wise, bowing and chringing to Communion Tables, Altars, and the name of Iesus; Churching vayels, standing up at *Gloria Patri*, the Gospell, and forenamed Creeds; comming up to the rayle to receive the Sacrament, the lawfulness of Bishops Licenses to marry without Banes asked, Mercy-seats, Crucifixes, Tapers *Sanctum sanctorum*, Christs corporall presence in the Sacrament, Masse, and other Popish trumpery and Ceremonies;) and shall be thereof lawfully convicted, shall forfeit for his first offence the profit of all his spirituall benefices or promotions during one whole yeare next after his conviction, and shall suffer imprisonment for the space of 6. monthes without bayle or mainprise; and for his second offence shall be *Ipso facto* deprived of all his spirituall promotions; And if any person or persons whatsoever shall by open fact, deed, or threatings, compell, cause, procure, or maintaine any person, Vicar, or Minister to use any other maner, Forme, Rite or Ceremony then is aforesaid, hee shall for the first offence forfeit one hundred markes; for the second 400. Markes; for the third, all his goods and Cattels, and shall suffer imprisonment during his life. Which severall penalties and forfeitures all those Superstitious Ministers and Curates, who use, and preach for, and all those Prelates, Arch-Deacons, Commisaries, Officials, and Churchwardens, who by their threats, excommunications, Sequestrations, presentments, and Censures, enforce the use and practise of the forenamed Ceremonies and innovations, have without all question incurred, and ought to be indicted, imprisoned and fined for the same.

Secondly, That no Archbishop, Bishop, Arch-Deacon, or other Ecclesiasticall person, hath any authority or power to keepe any Ecclesiasticall Court, or execute any Ecclesiasticall Jurisdiction whatsoever within the Realme, but by, from and under his Majesty: and that by vertue of speciall Letters Patents, or Commissions under the broad Seale of England authorizing them so to doe; which not one of them now hath or can produce. Which because it seemes a paradoxe to our Prelates and their Favorers, I shall make good by these 4. Reasons.

1. The Kings Ecclesiasticall Jurisdiction and Prerogative is as firmly, absolutely, intirely, and in the selfsame maner and degree, united to his Imperiall Crowne, as is his temporall, and to be derived from him to his Ecclesiasticall Judges and Officers in the selfsame way and maner, as his Civill Jurisdiction is to his temporall Judges and Magistrates; as is resolved by the severall Statutes of 2. H. 5. c. 2. 25. H. 8. c. 14. 19. 20. 21. 26. H. 8. c. 1. 27. H. 8. c. 15. 31. H. 8. c. 10. 14. 32. H. 8. c. 15. 37. H. 8. c. 17. 1. E. 6. c. 2. 1. Eliz. c. 1. 2. 5. Eliz. c. 1. 8. Eliz. c. 1. 3. Jac. c. 4. 18. E. 3. c. 2. 7. Jac. c. 2. 6. & Cooke 5. Report. *Candries case*: But the Kings temporall Prerogative and Jurisdiction cannot be transferred to any temporall Judges, Magistrates or Officers, but by speciall Letters Patents, and Commissions under the great Seale; neither can his temporall Judges or Justices ride Circuites, keepe Assises, Eyres, gene. all Sessions of Oyer and Terminer, or assemble the people before them upon such occasions, without speciall Patents and Commissions, which at every Assise, grand Sessions, and Justice Seat, they both shew and publickely read before all the people. Therefore his Ecclesiasticall Jurisdiction and Prerogative of keeping Con-sistories and Visitations, and exercising of any other part of Ecclesiasticall Jurisdiction, by the selfsame reason, cannot be delegated to any Ecclesiasticall Judges or Officers, though Arch-bishops, Bishops and other Prelates, but by speciall Letters Patents and Commissions under the great Seale of England, and by expresse particular words and clauses.

2. The Kings Ordinary and extraordinary Iurisdiction in causes Ecclesiasticall, is, and ought to be derived from the Crowne, to Archbishops, Bishops, Archdeacons and their Officials, in the selfesame maner as it is to the High-Commissioners, and other of his Majesties naturall borne Subjects, whom hee shall appoint to be either his Visitors, Iudges, Vicegerents or Commissioners in causes Ecclesiasticall; as is evident by the Statutes of 26. H. 8. c. 1. 28. H. 8. c. 26 31. H. 8. c. 14. 10. 32. H. 8. c. 15. 37. H. 8. c. 17. 1. Ed. 6. c. 2. 1. Eliz. c. 1. 2. But his ordinary and extraordinary Iurisdiction in causes Ecclesiasticall alwayes hath bene, is and ought to be derived to the High-Commissioners and other his Majesties naturall borne Subjects, whom hee appointes to be his Visitors, Iudges, Vicegerents or Commissioners in such causes onely by speciall Letters Patents, under the great Seale, as is evident by the forecited Statutes, 25. H. 8. c. 21. 14. Eliz. c. 5. 5. Eliz. c. 1. Cooke 5. Report. Candries case. f. 8. Antiquitates Ecclesie Brit. p. 386. 389. 398. 399. Fox Aets and Monuments. p. 999. 1000. 1001. 1181. 1182 1249. 1257. and Bishop Jewels life Sect. 25. Therefore it ought to be derived to Archbishops, Bishops, Archdeacons, and their Officials in the selfe-same maner.

3. Episcopall Iurisdiction ought to be granted and continued in the selfe-same maner, as it, and Bishopricks were at first created. But Episcopall Iurisdiction and Bishopricks were at first created by speciall Letters, Patents and Charters under the Kings broad Seale; as is evident by Eadmerus Hist. Norm. l. 4. p. 95. 96. and Ioannis Seldeni Spicilegium. † Ibid. p. 209. to 213. Concil. Chalcedonense, Actio 13. p. 187. 188. 17. E. 3. 40. 6. Ep. 10. 25. E. 3. The Statute of Provisors, 25. Assises. 8. 31. H. 8. c. 9. 33. H. 8. pars. 3. in the Rolles, Godwines Catalogue of the Bishops of England. p. 492. 495. 499. 501. 684. 685. 1. E. 6. c. 2. and Cookes Institutes f. 97. a. 344. a. Therefore Episcopall Iurisdiction ought now to be granted and continued by Letters Patents under the great Seale of England.

† See pag. 165. 166. 167. 168. Ibid. and Francis Mafson of the Consecration of Bishops. l. 4. c. 12.

6. E. 3. fol. 11.

4. All Episcopall and Ecclesiasticall Jurisdiction ought now to be derived to our Prelates from King Charles, in such manner and forme as they were derived heretofore from King Henry the eight and King Edward the 6. by their Predecessours; King * Charles having now as absolute and compleat Jurisdiction in all Ecclesiasticall causes as they had then. But the Prelates in King Henry the eight and Edward the 6. Raignes, derived all their Ecclesiasticall and Episcopall Jurisdiction, to keepe Consistories, Visitations, Synods, Chapters, consecrate Churches; Institute, Induct, suspend or deprive Ministers; punish and correct Ecclesiasticall crimes, errors, heresies, offenses; proove wills, grant Letters of administration, and the like, onely by speciall Letters Patents and Commissions under the great Seale; doing all in the Kings name, right and authority, not their owne; as is evident, both by the Statutes of 31. H. 8. c. 9. 14. 32. H. 8. c. 15. 37. H. 8. c. 17. 1. Ed. 6. c. 2. and by the Licenses and Patents made to the Archbishops of Canterbury and Torke, the Bishops of London, Lincolne, Winchester, Duresme; the Deane and Chapter of Paules, the Archdeacons of London, Middlesex, Canterbury and others, in the monthes of October and November An. 1535. (entred in their owne Registers and in the Rolles:) Authorizing them to keepe Consistories during their owne times onely, not their Successours; the Patent of 31. H. 8. in the Rolles, licensing Bishops to consecrate Churches and Churchyards from time to time, not by their owne inherent authority, or when they please themselves as now they doe, but after speciall Patents and Commissions with sufficient words and clauses to them, first made by the Lord Chancellour, in due forme of Law, under the great Seale, the Patens of 33. H. 8. pars 3. in the Rolles, for Erecting the Bishopricks of Peterbough, Gloster, Bristol, Oxford and Chester: the Patent of 36. H. 8. pars 13. in the Rolles, to Robert Holgate Archbishop of Torke, licensing and authorizing him, to keepe a Metropolitick Visitation both of the Clergy and Laity: and to celebrate and ordaine Synods, Generall Chapters, Visitations and other Congregations of

* 1. Eliz. c. 1.

5. Eliz. c. 1.

8 Eliz. c. 1.

the Clergy and people, and to receive all due procurations and pensions for the same; (A cleare evidence, that an Archbishop cannot visit his Province or Diocese, much lesse then, a University, or any Colledges of the Kings, or other mens foundations in the University, w ich have their speciall Visitors appointed them by the founders, by the Kings owne grant and license, which ont a speciall Patent and Commission from his Majesty, and in his Name and right, as is cleare, by the Statute of 2. H. 5. c. 1. 25. H. 8. c. 21. 31. H. 8. c. 10. 37. H. 8. c. 17. 26. H. 8. c. 1. 1. Ed. 6. c. 2. 1. Eliz. c. 1. 8. Eliz. c. 1. Register pars 2. f. 40. N. Nat. Brit. f. 35. E. 42. A. 21. E. 3. 60 27. E. 3. 84. 85. Fitz. Breffe. 660. Cookes Institutes fol. 344 a. and other Lawbookes the power of visiting the Ecclesiasticall Statepersons, and all other Subjects within his Majesties Dominions, being expressly united to the Crowne by the statutes of 26. H. 8. c. 1. 1. Eliz. c. 1. 37. H. 8. c. 17. and 8. Eliz. c. 1. and so be departed unto others onely by Letters Patents under the Kings broad Seale, by the expresse determination of those Acts, who are and ought to visit onely in his Majesties name and right alone, and by his Authority, as the Bishops did their severall Dioces, by speciall Patents in King Edwards dayes: though the Archbishop now would visit onely in his owne name and right alone, for which hee incurrs a Premunire) the Patents of 37. H. 8. pars 2. in the Rolls, to Robert Bishop of Oxford, granting him full power and authority to practise, exercise and execute, either by himselfe or other his Officers, all and all manner of Jurisdiction, power and authority Ecclesiasticall within the Dioces of Oxford, and to consecrate Churches and Churchwardens; and the severall Patents to Miles Coverdale, Bishop of Exeter, John Ponet Bishop of Winchester, and John Scory, Bishop of Rochester, 5. Ed. 6. pars 1. in the Rolles, and to all other Bishops made in this Kings Raigne; which Patents both created them Bishops, without a Conge-Desuer; and likewise granted them in precise termes, authority to visit their Cathedrals and Dioces, both in the head and members, to ordaine, admit, institute, inducte Ministers to Ecclesiasticall livings, and to suspend

suspend and deprive them upon just occasion; to prove Wills, grant Letters of Administration, Receive Accounts of Executors and Administrators; to punish and correct Ecclesiasticall offences, and to exercise all other parts of Ecclesiasticall Jurisdiction, Nomine, vice & autoritate nostris Regiis, in the KINGS NAME, RIGHT AND AUTHORITY ONELY, not their owne.

Therefore our Prelates and Bishops, ought to derive all their Episcopall and Ecclesiasticall Jurisdiction together with the very right of Visiting within their owne Diocesse from King Charles, by speciall Letters Patents, now, and to execute it onely in his name, right, and authority, not their owne: which since they have not done, nor desired to doe, they are liable to his just and Royall censures.

Thirdly, That all Chauncellours, Vicars generall, Commissaries, Officials, Scribes and Registers, to any Archbishop, Bishop, Archdeacon, or other Ecclesiasticall person whatsoever, ought to be made, constituted, ordained, and deputed, by the Kings Majesty onely, (either immediately or mediately) by Letters Patents under the great broad Seale of England; not by the Archbishops, Bishops, Archdeacons or other Ecclesiasticall persons themselves, (unlesse the King by speciall Letters Patents authorize them to make and depute them:) else they can exercise no Ecclesiasticall Jurisdiction or Censures, by the expresse Statutes of 37. H. 8. c. 17. and 1. Eliz. c. 1.

Fourthly, That all Citations and Ecclesiasticall processe whatsoever, and the proceedings in all Ecclesiasticall Courts, ought to be made in the Kings name onely, and sealed with his Seale of Armes, as they were in H. the eight and King Edwards dayes, and as the writs and processe of the Common-Law are; (that so they may be knowne to be his Majesties

proces, and Courts by bearing his superscription and image, the cheife badges of his Ecclesiasticall Supremacy and Prerogative Royall) else they are meerely voyd and illegall, neither ought any Subject to submit unto them, under peine of perjury and disloyalty to his Sovereigne; it being contrary to his Oath of Supremacy and allegiance, and both an admitting of, and submitting to a fortaigne Papall, or Domestique Episcopall Iurisdiction, not derived from his Majesty.

Fifthly, That no Archbishop, Bishop, Archdeacon, or other Ecclesiasticall person hath power to Summon or keep any Visitations, without his Majesties speciall Writ, and Commission under his great Seale enabling and authorizing him; which Commission ought to be publicly read before all the people at every Visitation, as the Iudges Commissions are at every Assises and Eyre, that so they may know, they keepe their Visitations, onely by the Kings authority. And so much the rather, because Popes and Bishops have usually challenged the right and power of Visiting as due unto themselves alone, though in truth a principall branch of the Kings owne Royall Ecclesiasticall Iurisdiction, united to the Crowne, by the expresse words of the Statutes of 26. H. 8. c. 1. 37. H. 8. c. 17. 1. Eliz. c. 1. 8. Eliz. c. 1. And the Archbishop of Canterbury hath now lately presumed to challenge this power of Visitation in his owne metropolitically right, not onely over his Province, but even over the University of Cambridge it selfe, of which the King onely is Visitor, many of the Colledges being of his ancestors foundation, and so exempt as well as his free chaples, from Episcopall Iurisdiction, few Archbishops ever visiting it by their meere Archiepiscopall authority, without a speciall Bull from the Pope, before Reformation, and none since visiting it but the Kings alone, and his speciall Visitors, as Edward the 6. did in the third, and Queen Elizabeth in the first yeare of her raigne; And our other Prelates partly by custome and example now beginne to claime, and ever exercise this power of visiting in their

* *Antiquit.*
Ecclesi. Brit.
 185. 186.
 187. 200.
 202. 204.
 225. 226.
 300. 301.
 302. 304.
 308. 309.
 422. *Catal.*
Cancel. in
Academia
Cant. Ed. 6.
and Eliz. 31
H. 8. c. 10.
Fox A. B. C.
Monuments
 p. 1774.
Eccl. Bishop
Jewels life
before his
works,
Set. 25.

owne

owne names; as their owne inherent right; whereas no Iudge or Iustice whatsoever hath beene so presumptuous or disloyall, as to keepe Assises or Sessions in his owne name or right, but in the Kings alone: And if our Prelates and their Officers have no such Commission from the King to visit, keeping visitations in their owne names and rights, not his; the Ministers and Churchwardens are bound by their Oath of Allegiance and Supremacy, to resist their visitations; not suffering them to proceed therein, and to refuse their visitation Oathes, which they have no Commission authorizing them to administer: else they are directly perjured and disloyall to his Majesty, in *not* *defending to the uttermost of their power, all Ecclesiasticall Juris-* *1. Eliz. c. 1.*
dictions, priviledges, and prebeminences granted, united, and appertai- *28. H. 8.*
ning to his Imperiall Crowne, as they have promised by their Oath, whereof this of visiting the Ecclesiasticall State and persons is the cheifest. Now to proove, that Archbishops, and Bishops have no power at all, to visit their Diocesse, but by speciall Letters Patents from the King, and in his name and right alone: I should only demanda of them this short question; whether this right of Visitation they claime and contend for, belongs to them onely *Jure Divino* by a divine right, or a *Jure Humano*, by some humane Title? If they say *Jure Divino*; that certainly is untrue. *c. 10.*

First, Because Archbishops & Bishops themselves superiour to, and distinct from Ministers, are not of divine, but meere humane right and institution, long after the Apostles times, as I have elsewhere prooved: themselves therefore being not of divine right, they can challenge no power of Visitation by a divine Title. ** This all the Archbisshop, Bishops and Clergy of England have resolved in their Institution of a Christian man, chap. of Orders, and Archbisshop Whiggist, Bp Jewell, Bishop Alley and others elsewhere cited, confesse.*

Secondly, The instituting of Provinces, Diocesse, and setting of one Archbishop or Bishops over many Cities, Churches or Parishes as a generall Visitor and Superintendent over them, is a ** meere humane invention*, directly contrary to Gods, and the Apostles institution, who ever placed and instituted

intend many Bishops and Elders in every Parish and City, not one Archbishop or Bishop over many, much lesse over an whole Shire or Kingdom. *Acts. 14. 23. c. 20. 17. 28. Phil. 1. 1. 1. Tim. 5. 17. Tit. 1. 5. 7. 1. Pet. 5. 1. 2. 3. Jam. 5. 14.* Your Provinces and Diocesse therefore being directly contrary to Gods and the Apostles institution, your Iurisdiction of Visiting them must needs be such.

Thirdly. Wee finde not in all the Scripture that Christ ever gave any such power of Visitation to his Ministers or Bishops, or to the Apostles themselves, neither finde wee one president in all the Bible of any Episcopall Visitation (much lesse of any Visitation, Oathes or Articles) kept either by Christ himselfe, or any of his Disciples, much lesse by Bishops. How then can that belong to Archbishops or Bishops, *Pure Divino*, which hath neither precept nor President to warrant it in all the Scripture? True it is, that the * *Rhemists* would ground this right of Visitation which the Bishops and Archbishops claime as their peculiar inheritance to them and their Successors for ever, on *Acts 15. 36.* And some dayes after Paul said unto Barnabas, Let us goe againe and VISIT our brethren in every City, where wee have preached the word of the Lord, and see how they doe.

* Annotations
on
AE. 15. 36.

But this Text is farre from the marke they aime at: For First, this word *επισκευη* which the Latine Translations render, *visitemus*, or *invisamus*, and the English, *let us goe and visit*, doth not signifie or import an Episcopall or metropolitall Visitation, by way of Iurisdiction, authority or correction, but onely a Visitation of charity and love; as is cleare, by *Acts 7. 23.* When Moses was full 40. yeares old, it came into his heart *επισκευη*, to visit his brethren, the children of Israel, by *Matth. 25. 43.* I was sicke, and in prison *επισκευη* and yet visit me not: and *Jam. 1. 27.* Pure religion, and undefiled before God is this *επισκευη* to visit the fatherles and widow in their affliction: where the same word is used; by the ordinary ac-

ception

ception of the word *visit* in our owne common speech, when one freind or neighbour goes to see another, which wee call a Visitation (whence wee say, *I will goe and visit, or I have beene visiting* Such a freind, neighbour, prisoner, or sicke person;) by the very title and forme of the *Visitation of the sicke* in the Booke of Common-prayer; and by the very last words of the verse; *Let us goe visit our brethren, and see how they doe*: Which words, See how they doe, plainly resolve this, to be a Visitation onely of love and charity, such as was of *Moses Acts. 7. 23.* or that of *Mary who went up into the Hill-countrey to visit her Cousen Elizabeth, Luke 1. 35.* &c. therefore no Archepiscopall or Episcopall Visitation by way of Iurisdiction. So that the argument hence can be but thus: *Paul and Barnabas went to visit the brethren, to whom they had preached, to see how they did; or a Minister may goe to visit his Christian Freindes or neighbours at their houses in love.* Ergo Archbishops and Bishops visitations are *jure Divino*, and none but they have any divine right to visit. A learned *Nonsequitur*.

Secondly, Wee read of no Visitation Oathes or Articles in all this Visitation, set out and delivered to Churchwardens and Sidemen, to present on upon Oath in Paul or Barnabas names; of no Chancellers, Registers, Appariters, Citators, procurations, presentments, suspensions, excommunications, fees of Court, shewing of Orders, or licenses to preach or keepe a Schoole, &c. as are in all our Metropolitall and Episcopall visitations: this Visitation therefore can be no president for our Prelates, which hath no affinity with it.

Thirdly, These Apostles here went to those particular places onely, where they had formerly preached the Gospell, and to no other, visiting none but those. If our Archbishops, and Bishops should doe so, their Diocese would not be so great, nor their visitations so long, as now they are, yea some of them would ha no Diocese at all to visit, unlesse it were *White-hall, or Pauls-Crosse*, or perchance their owne Cathedrals, but no one Parish of their Diocese, in which they never preached:

preached : and some of them should by this account ; visit more places out of their Diocese then within them. If this Text therefore proves any thing , it is this , that Archbishops and Bishops , must preach the Gospell through out every place and Parish in their Diocese and Provinces before they goe to visit them ; and then never an Archbishop or Bishop of them all , could ever keepe a Visitation.

Fourthly, Paul and Barnabas here intended to visit joyntly, not severally , as our Bishops doe ; they visit in person , not by Proxy or deputy , as our Lord Bishops use ; they preached in all places where they visit , which few Bishops doe : they went to see and *visit their brethren in diverse Parishes* ; they did not send to divers Parishes , to come to meet and visit them out of their owne Parishes as our Bishops now doe , who in truth are rather visited by their Diocese , then their Diocese by them. This Text therefore ~~proves~~ *proves* not their Visitations. to be *jure Divino*.

Fifthly, Paul and Barnabas were no Bishops , but Apostles ; and this their Visitation was no other then any Minister, Christian , yea Woeman (and Woemen now are the greatest gadders and Visitors ,) may and use as well as they. It therefore proves not , that the right and power of visiting , belongs onely to Archbishops and Bishops *jure Divino* , but the contrary , that all Ministers at least (if not other Christians) may visit their brethren and those places , where they have preached , as well as Archbishops or Bishops , if not rather and better , unlesse they preached more. There being then therefore no divine right , that Prelates can pretend for their visitations , as these reasons proove , and the forecited Statutes expressly resolve ; Our Bishops must then claime it (if they have any right to it) either from the King (who ~~first~~ *first* erected instituted , and bounded out their Bishopricks , conferred them on them , and may dissolve them at his pleasure) and therefore they must produce some Patent or Commission for it , and visit onely in his name and right , as I have manifested ; which Patent they

‡ 31. H. 8.
c 9. 1. Ed. 6
c. 2.

all v
thor
ope
Tir
fare
they
jettie

Arch
gene
direc
voyd
And
the g
fiatic
perfec
terest
Gospe
1775, a
Worl
mentio
skill an
dious t
rogativ
it selfe
stures
nable P
Bookes
day , an
rites an
determin
every w
ther to
to Lord

all want; or else they must claime it from the Pope, whose authority they have abused, which yet I presume they dare not openly doe. Therefore they must stick to the Kings Title, and doe all in his name, right and authority, and then farwell their divine right and inherent Episcopall power, which they so much boast of, and contend for even before his Majesties presence.

6. That all the proceedings and censures of our present Archbishops, Bishops, Archdeacons, Chauncellours, Vicars-generall, Commissaries, Officials, Scribes, and Registers, being directly contrary to all the fore-mentioned Statutes, are meerly voyd and illegall; and they all in a † *Premunire* for the same; And that deservedly, they being as ever heretofore, so now, the greatest and most professed oppugners of the Kings Ecclesiasticall Prerogative, and the Subjects Liberties; the cheifest persecutors of Gods faithfull Ministers and people; and the bitterest enemies to grace piety, the truth and profession of the Gospell, as their proceedings anciently in the *Booke of Martyrs*, and now present before our eyes, proclaime to all the World; which every faithfull Subject by vertue of his fore-mentioned Oath, is obliged to resist, to the uttermost of his skill and power; unlesse hee will proove treacherous, perfidious to his Sovereigne, betray his Majesties Ecclesiasticall Prerogative, his owne, his Countries Liberties, yea and Religion it selfe, (which some of our Prelates by putting downe Lectures, preaching, suspending, silencing the most conscionable Preachers, authorizing Popish Arminian, and Licentious Bookes, allowing all carnall Liberty, even on the Lords owne day, and bringing in many Popish Ceremonies, Ornaments, rites and superstitions, openly trample upon, and secretly undermine) to the usurping domineering Prelates; who now every where in all Kingdomes and Countries combine together to ingrosse the raines of Governement into their owne hands, to Lord it over the world it selfe, both in temporall and civill causes,

† See 3. & 4.
Ed. 6. c. 11.
G Brooke
Premunire
12. 16. 21.
22. H. 8.
c. 15.

137. H. 8.

c. 17.

0267

over Clergy and Laity, and to enslave all men, unto their intolerable yoke of bondage, which is now so heavy here among us, that it makes many to seperate from our Church, many to flie the Kingdome dayly, many to turne Papists, more Atheists; those Puritans (as they terme them) who maintaine the Kings Ecclesiasticall Prerogative, being the cheife object of their malice and persecution, onely for their love and loyalty to their God, Religion, Prince; their Courts and Prisons being fraught with them, when as Preists, Iesuites, Papists walke triumphantly about the streetes, and say Masse in every Corner, without their questioning or restraint, and I would to God we could not say with some of their Countenance and encouragement.

7. Finally, Hence it is evident, that all our domineering Prelates Ecclesiasticall Iurisdiction, whereby they are distinguished from Ministers, is meere *Iure humano*, by the grant of the King alone, from whom they ought intirely to derive it; not *Iure Divino*, as they have now of late most presumptuously and disloyally adjudged it in their High-Commission Court, in Doctor Bastwickes case; though their very Commission (which derives unto them all Ecclesiasticall Jurisdiction onely from the King, and that to Lay-Commissioners as well as themselves, reciting the very words of the Statutes 1. Eliz. c. 1.) might (as any reasonable man would deeme) have then checked and countermaunded this their enormous and ungratefull censure; directly contrary to that Commission which gave them authority to be his Iudges († *Unusquisque* († though in their owne cause) as their just censure manifested. For that Iurisdiction which is wholly and originally vested in the King, both by the Law of God and of the Realme, and transferrible at his pleasure to what persons soever hee pleaseth though no Bishops; and not to any Bishops, but ⁿ by, from, and under him, when as oft, and for so long time onely as it shall please him, with power of revocation at his pleasure; cannot possibly belong to Bishops, as they are Bishops by any divine right or

† *Unusquisque*
que sui ipsius
iniquus
Iudex.

n37. H. 8.

c. 17. 1. E. 6

c. 2. 1. Eliz.

c. 1.

instit
ly in
dictio
ny it
The I
cated
name
Episc
Ther
Arce
Peace
Lam
all th
Chris
field,
Hoop
Beac
Doct
John
Red
Nov
Bisbo
one a
Bisbo
hum
Nor
learn
conla

185
Whe
a Sup

insti-

instituted; no nor yet by any temporall right, it resting meere-
ly in the Princes power to grant or not to grant such Juris-
diction to them at his pleasure, and no injury or injustice to de-
ny it them, as they all joyntly confesse in their Booke, intituled,
The Institution of a Christian man: Chapter of Orders, dedi-
cated by them to King Henry the eight, and subscribed with all their
names, even in the printed Copies. But such is all our Prelates
Episcopall Iurisdiction, as our * *Statutes expressly resolve*.
Therefore it is not *Iure Divino*. Not to mention o Beda,
Archbishop Anselme, Ricardus Armacanus, Wickliffe, Bishop
Peacocke, William Swintherby, The Lord Cobham, Francis
Lambert, Master Tyndall, Master John Lambert Martyr, Swift in his
all the Bishops and Clergy of England in their Institution of a
Christian man, Bishop Timstall, Bishop Stokesly, Doctor Harpe-
field, Archdeacon of London, Master John Bradford, Bishop
Hooper, Bishop Latimer, Bishop Alley, Bishop Jewell, Thomas
Beacon, Doctor Humfry p Doctor Fulke, Doctor Whitakers,
Doctor Willet, Doctor Ayra, Doctor Taylor, q Master p Answer to
John Fox, Bishop Elmer, Bishop Bullingham, William Turner,
Rodericke Mori, Master Stubbs, Gessery Chancer, Deame
Nowell, or any * other of our Writers, who affirme, that
Bishops and Presbyters, or Ministers, *Iure Divino*, are but
one and the same, both in order, power and Jurisdiction; that
Bishops are not superior to Ministers *Iure Divino*, but onely by
humane Institution, and condemne the Lordliness of Prelates;
Nor yet to remember that memorable saying of our worthy
learned Martyr r Doctor Barnes, That hee would never beleive, or
could ever beleive, that one man by the Law of God may be a Bishop of

1856. * Master Nowell his Reproofe of Dormans Prooffe, f. 43. 44. 45. Master
Whetenhals Discourse, of the abuses now in question. r In his Works, p. 220. See
a Supplication to King Henry the 8. An. 1544.

f Defence of two or three Cities, or of an whole Country; for that is contrary to the
 the Princes Doctrine of Saint Paul, who commaunded Titus to ordaine many
 supremacy, Elders in every City, not one Elder over many Cities, Tit. i. f.
 p. 359. 926 Archbishop Whitgift himselfe, p. 383. and f Doctor
 259. Bridges, Bishop of Oxford (the greatest Sticklers for the Prelacy)
 & Bishop confesse, that by Gods word, a Priest and a Bishop are all one;
 Bridges De- and the later of them, writing against the Papists, in defence of the
 fence of Go- Princes Supremacy justifieth Aërius and the Protestants therein.
 vernement, out of Hierom, Peter Lombard, Durand, and the Institution
 p. 281. 373 of Colen; And yet the selfesame men, and their Disciples
 448. Sc. writing against Master Cartwright and the Puritans, as they
 Bp. Whit- phrase them, make it a Heresie to beleive and teach upon Epi-
 gift, p. 408. phanius his bare authority (who censures this for Heresie in Aërius)
 Doctor Sut- though Isidor Hispalensis, and * Gratian doe not so much as
 cliff Engl. mention it, among his other Hereticall or Erronious opinions, nor
 Treatise, p. 68. Bishop any one ancient Counsell Father, or Author else, so much as tax
 Bancrofts it for an Error, much lesse an Heresie, (which it cannot be)
 Ser. p. 18. when as it is in truth, the resolved Doctrine of our Church,
 Admonition against our Statutes, Martyrs, Writers, and of our Prelates them-
 Martyr selves; who in this very point are arrant Puritans, when they
 Mart. Pre- write against the Papists; (who to maintaine the Popes Supre-
 lue, p. 44. macy Iure Divino, are enforced to deny the parity of Bishops, and
 * Causa. 24. Ministers by divine Institution; witnes u Bellarmine, Tur-
 Quest. 3. rian, Dure, Spence, Stapleton, Saunders, Bristow, the
 u See the Pe- Rhemists, Espenseus Mauritius de Alzedo Nicholau le Maistre,
 sition to Queen Eliz. and other popish Writers) but professed Papists herein, when
 p. 22. they write against the Puritans, to maintaine their owne do-
 minicing Antichristian Hierarchy, which else would fall unto
 the ground: A pretty trick of Episcopall Legar-demaine,
 which makes their Title Iure Divino, very suspitious. Now
 that this their Episcopall Iurisdiction and Authority, wherein
 they differ from ordinary Ministers, (to wit, their Dioces,
 Consistories, Institution and induction of Ministers, Confe-
 cration of Churches and Churchyards, Excommunication, de-
 privation, suspention, and all other Ecclesiasticall Censures,
 probate

probate of Wills, granting of administrations, and the like) is not *Iure Divino*, but onely from the Kings Grace, and grant, by speciall Letters patents; is the expresse resolution, not onely of the Statutes of 26. H. 8. c. 1. 37. H. 8. c. 17. 1. Ed. 6. c. 2. 1. Eliz. c. 1. 8. Eliz. c. 1. *forecited*, but likewise of sundry Letters patens, made to Bishops themselves, some 3. or 4. of which I shall onely recite, which will put this controversie out of all farther question.

In the yeare of our Lord 1535. (being the 26. yeare of King Henry the 8. Raigne) both the Archbishops, all the Bishops, Archdeacons, Deanes and other Clergy men, exercising Ecclesiasticall Jurisdiction (upon the making of the Statute of 26. H. 8. c. 1. which abolished all their inherent Ecclesiasticall Jurisdiction, and restored, and united it to the Crowne,) were enforced to Petition the King for speciall Licenses, under the great Seale, to keepe Consistories, visitations, exercise Ecclesiasticall Jurisdiction and Censures in his name, right, Stead; Authority, and to make Chauncellours, Commissaries and Officials: which Licenses granted to them the same yeare, in the moneth of October and November, and erected in their owne Registers, runne in this maner. Henricus Dei gratia, &c. CUM OMNES IURISDICENDI AVTHORITAS ATQUE IURISDICTIONIO, tam illa QUÆ ECCLESIASTICA dicitur, quam secularis. A REGIA POTESTATE, VELVT A SUPREMO CAPITE ac omnium Magistratuum infra regnum nostrum fonte ac scaturigine EMANAVERIT, Sanè illos qui Iurisdictione huiusmodi ante hæc non nisi præclare fungebantur, officium huiusmodi sic iis EX LIBERALITATE REGIA INDVLL-
Q3 TVM

TVM gratis animis agnoscere ; ID Q V E
 REGIÆ MAGNIFICENTIÆ SO-
 LVM MODO ACCEPTVM REFER-
 RE EI Q V E quoties regiæ Majestati videbitur,
 libenter cedere convenit, &c. Nos tuis in hac parte
 SVPPPLICATIONIBVS H V M I L I-
 BVS INCLINATI, & nostrorum subdi-
 torum necessitatibus consulere cupientes, TIBI
 VICES NOSTRAS, SVB MODO
 ET FORMA INFERIVS DE-
 SCRIPTIS COMMITTENDAS
 FORE, TE Q V E LICENTIAN.
 DVM ad idoneas personas constituendas, AD
 EXEQVENDA EA QVÆ AD EC-
 CLESIASTICAM IVRISDICTIONEM
 SPECTANT, oportunitate duximus, &c.
 Upon these Licenses (which plainly resolve; that all Episco-
 pall and Ecclesiasticall Jurisdiction is originally derived from
 the King alone, as from the supream head and fountaine; and
 that the Bishops received it O N E L Y, from the Kings
 Royall Liberality and Magnificence, who may freely revoke
 and take it from them at his pleasure, as oft as hee thinkes meet,
 and likewise determine, that Bishops in the execution of it are
 but the Kings meere Deputies, doing all in his steed and right,
 in such forme and maner as hee shall prescribe them by his Let-
 ters Patents, so as they cannot make any Officials, or Com-
 missaries to exercise Ecclesiasticall Jurisdiction under them,
 but by the Kings speciall License;) the stile of the Bishops, in
 all their Processe, Citations, and Mandates was this: N.
 Episcopus: L. per Illustrissimum in Christo Principem
 Henricum Octavum Dei gratia Angliæ, Fran-
 ciæ & Hiberniæ Regem, Fidei Defensorem, & in
 terris

terris Ecclesiæ Anglicanæ & Hiberniæ supremum
 Caput, ad infra scripta legitime ET SUFFI-
 CIENTER AVTHORIZATVS,
 or x REGIA AVTHORITATE FVL-
 CITVS. Which forme of Processe (ratified by the ^{x Fox Acts &} Statute of 1. Ed. 6. c. 2.) continued till the Statute of 1. & 2. P 1294.
 Phil. and Mary c. 8. and *Queen Mariæ Letter to her Bishops* 1405.
thereupon, to expunge the clause of Regia autoritate ful-
 citus. Which Statute being now repealed by 1. Eliz. c. 1. and
 the Ecclesiasticall Jurisdiction as fully, intirely, and in as ample
 manner united to the Crowne, by the expresse words of that Act, and
 of 5. Eliz. c. 1. and 8. Eliz. c. 1. as ever it was in King Henry
 the eight, or Edward the sixt, and the Statute of 1. Ed. 6. c. 2.
 revived by 1. Jacobi. c. 25. Why our Bishops should not take
 the like Patents and Licenses, and make out their Processe and
 Citation now adayes in the Kings name, as they did then? I
 cannot divine.

After this King Henry the eight, in the 37. yeare of his
 Raigne granted this ensuing Patent to the y Bishop of Oxford, them so:
 enabling him by himselfe, or his Officers, to exercise Episco-
 pall Jurisdiction granted to him by the same, as meerely hu-
 mane, not divine: x Henry the eight &c. To the Right reverend
 Father in God, our right, trusty and welbeloved Robert, Bishop
 of Oxford greeting. Whereas in the late surrender of the Cather-
 drall Church of Oxford, made by you and the Deane and Chapter
 of the same upon our request and commaundement, upon certaine
 causes us moving to translate the same into a more convenient place, giving over
 within our City of Oxford, you among other things, have also bin
 yielded up and a surrendered into our hands ALL YOUR
 JURISDICTION appertaining to you by reason of the same.
 We therefore neverthelesse not minding thereby to abolish or abridge
 your Jurisdiction in any part GRANTED BY US
 TO YOU, and your Successors, in the first erection of your
 Bishoppricke there, have GIVEN AND GRAN-
 TED,

Not Lord
 Bishop no
 writ or Pa-
 tent stiling
 them so:
 though they
 thus stile
 themselves.
 x 37. H. 8.
 in the Rele,
 pars. 2.
 a Thus Egel-
 ricus Bis hop
 of Duresme
 giving over
 his Bishop-
 ricke, Sum-
 annulum,
 resignavit
 Ingulphi
 Historia,
 an. 105.
 P. 907.

TED, AND BY THESE PRESENTS
DOE GIVE AND GRANT UNTO
YOU FULL POWER AND AUTHO-
RITY, as well, TO PRACTISE, EXER-
CISE AND EXECUTE ; either by your selfe,
OR ANY OTHER OFFICER OR OF-
FICERS, ALL AND ALL MAN-
NER OF JURISDICTION, POWER
AND AVTORITY, appertaining to your Bishopricke,
 (to wit, by vertue of the first Patent which erected it) within
 the Diocesse of Oxford ; as also to proceed to the deliverance of such
 convict person or persons, as are now committed , or shall hereafter
 be committed to your ward and custody ; and to the Consecration
OF CHURCHES AND CHURCH-
TARDS within the said Diocesse, as the cause and necessity
 therein shall require ; in as amplewise and maner as you heretofore
 have done, or any other BISHOP in his Diocesse within
 this our Realme, may doe, **BY VERTUE OF**
ANY GRANT OR GRANTES MADE
BY US UNTO THEM, OR ANY OF
THEM, IN THAT BEHALFE. The Sta-
 tute of *Martmoir* or any other Statute or Statutes made to the
 contrary thereof in any wise notwithstanding ; in witnesse where-
 of, &c. Witnesse the King at Westminster, the ninth day of June,
 in the 37. yeare of our Reigne over England &c. Per ipsum
 Regem, &c.

For the understanding of the true meaning of this Patent,
 b Godwines know ; that b King Henry the eight, An. 1541. being the
 Catalogue of 34. yeares of his Reigne, erected the Bishopricke of Oxford by his
 English Bishops, Letter's Patents, making the Church of the Abby of Osney the
 p. 491. Cathedrall Church and Episcopall See of that Bishopricke, in-
 492. stitling it, Ecclesia Beatæ Mariæ De Osney ; creating Robert
 King, the last Abbot of that house, by these his Letter's Patents,
 first Bishop of this See. About 5. yeares after, to wit, An. 1546.
 the

the King thought meet to translate the See from Osney Abbey, unto Cardinall Colledge; (since called Christ Church) then newly erected by Cardinall Woolsey, whereupon the first Patent, erecting the Bishopricke at Osney Abby was surrendred, and by another Patent the Bishops See, translated to Christ Church Colledge; wherein the King placed a Bishop, a Deane, 8. Prebendaries, a Quier, and other Officers, besides a hundred Students to be maintained in the same, enstiling the Cathedrall; Ecclesia Christi Cathedralis Oxon. ex fundatione Regis Henrici Octavi; upon which Surrender this Patent of licence was granted by the King to the Bishop of Oxford.

From which I observe. *First*, that all the Episcopall Jurisdiction, which our Prelates doe or can challenge, is derived onely and immediately from the King, by his Letters Patents, and resignable onely into his hands. Therefore not received by Bishops immediately from God, nor due unto them *Jure Divino*, for then it could not be surrendred backe againe into the hands of men. To make this more perspicuous, consider, that every Archbishop and Bishop here in England, received two things of different natures from two severall sorts of persons.

The *First*, is his Bishopricke and Episcopall Jurisdiction thereto annexed, this hee receives meerly from the King by Letters Patents, as the precedent and following Patents manifest, and the Statutes of 1. Ed. 6. c. 2. 37. H. 8. c. 17. & 8. Eliz. c. 1. resolve.

The *second* is his Episcopall Ordination and Consecration, this hee receives onely from the Archbishops or Bishops, who ordaine and consecrate him onely by vertue of and upon the Kings Letters Patents directed to them; By the first, hee hath power to admit, institute, and inducte Ministers to livings, to keepe Consistories, Visitations; inflict Ecclesiasticall Censures; hold plea of Ecclesiasticall causes; proove Wills and Testaments, grant Letters of Administration, consecrate

R

Churches,

* See the
Booke of
Ordination
of Ministers
and Consec-
ration of
Bishops.

When this
prayer is
done the
Bishop,
with the
Preests pre-
sent shall
lay their
hands se-
verally upon
the head of
everyone
that recei-
ved orders.

d 2. Eliz. c. 1
3. E. 6. c. 12
5. 56.
E. 6. c. 1.

c Canon. 35.
f 1. Tim. 3.
Titus 1. See
the Booke of
Ordination
of Ministers
and Consec-
ration of
Bishops ac-
cordingly.

g 10. E. 3.
a. 25.

Aff. 8. Cooke
Jewells Def. of the Church of England c. 3. Divis. 5.

Churches, Churchwards, and the like, if the Kings Patents to him, grant him such power, otherwise not: * By the second hee hath power to preach Gods word, administer the Sacraments of baptisme and the Lords Supper, read divine Service in the Church, and (with the consent and assistance of others of his Clergy) to ordaine Ministers and Deacons, which every Minister, as the c. Booke of Ordination of Ministers, confirmed by d Act of Parliament, and the *Canons* testifie, may doe as well as hee. The e first of these is not *Jure Divino* (they being not granted nor united to Bishops or Bishopricks by any one Text of Scripture,) and therefore are derived meerely by Lettets Parents from the King. The second are incident to f all Bishops and Ministers alike, by divine institution, as the maine essentiall parts of their Ministeriall and Episcopall function: and therefore not derived from the King by Patent, but received by imposition of handes, consecration, and ordination from Bishops and other Ministers. Many Bishops and Ministers have wanted, and still doe want the first, and yet have beene and are g compleate Bishops and Ministers, Acts. 20. 17. 28. Phil. 1. 1. Tit. 1. 5. 6. 7. 1. Tim. 3. 1. to 9. 1. Pet. 5. 1. 2. 3. But all of them equally enjoy the first by divine institution, without which they are altogether incomplete. The first of them may be resigned into the Kings hand, from whence it is wholly derived, as this Charter testifieth: the second cannot be surrendred into the hands of men, because originally derived from God. True it is, men that so abuse it, as to make themselves unworthy of the Ministry, may be deprived of it by the King, and such Commissioners, as hee shall authorize; but they cannot resigne, transerre the same to any, as they may doe the first.

The first, they may execute by themselves, or their Officers, onely; if the King authorizes them, so to doe, as hee doth in this Patent: The second they must discharge and execute in person, † not by a Deputy or substitute; because † See Bishop Latimers Sermon of the Plough, Bp. 3. 1. 2. Rom. 12. 6. 7. 8. Ezech. 34. 2. 3. John. 10. 3. 4. 5. 14. Hoopers, Jer. 23. 4. c. 3. 15. It is most apparant therefore that this first (wherein Bishops onely differ from ordinary Ministers) Master Tyn-dals and others Pas-sages against Non-residents and Pluralities transcribed by Master Whetben-hall in his Discourse of the Abuses now in question, is not *Jure divino*, what ever they pretend to the contrary.

Secondly, It is apparant by this Patent, that no Archbishop, Bishop, or other Ecclesiasticall person, can, or ought to execute, exercise, or practise any Ecclesiasticall Iurisdiction, power, or authority, either by himselfe or his Officers, but by vertue of some grant and speciall Patent made to him in that behalfe, by the King: the sole cause why Bishops in those dayes tooke such Patents and Licenses as these. Why then should they exercise and execute any Ecclesiasticall Iurisdiction in their owne names without such Licenses and Patents, now? Is it, because Bishops have more Ecclesiasticall Iurisdiction, now *Jure divino*, then their Predecessors had then? Or because, Bishops in these dayes usurpe much more upon the King and Crowne, and shewlesse dutifullnes to their Sovereaigne, then they did in that age? Or is it, because our present Sovereaigne hath lesse Ecclesiasticall Iurisdiction then King Henry the eight? The first, it cannot be, for Gods Law was then the same it is now.

The last it cannot be, since the Statutes of 1. Eli. c. 1. 5. Eli. c. 1. & 8. Eli. c. 1. resolve, that the King hath as large and ample an Ecclesiasticall Iurisdiction both by Law and inheritance, as King Henry the eight, or King Edward the 6. The second therefore must be the true cause. I shall conclude with the Letters Patents of King Edward the 6. to Bishop Ridley, Hooper, Ponet, Scorye, Co-

verdale, and other Bishops created during his reigne, grounded upon the Statute of 1. Ed. 6. c. 2. one whereof made to Miles Coverdale, Bishop of Exeter, I shall onely recite for example sake, the other, being of the selfesame forme, and agreeing with it word for word : * Rex omnibus ad quos &c.

* An. 5. Ed.
6. pars 1 in
the Rolles
Scoryes and
Penets Pa-
rents are in
of that place,
and doth by right
belong to our
Collation and
donation.
Wee willing to
collate another
fit person to the
Bishopricke
aforesaid, and
judging our
wellbeloved Miles
Coverdale, Pro-
fessor of Divinity,
for his singular
learning in the
Scriptures, and
for his most
approved maners,
wherewith hee
is indowed : to
be a fit man
for the place
and Office
aforesaid : know
yee therefore,
that wee of our
speciall grace,
and certaine
knowledge, and
meere motion,
have conferred,
given and granted,
and by these
presents doe
conferre, give
and grant to the
foresaid Miles
Coverdale the
sayd Bishopricke
of Exon. : and
wee translate
the same Miles
to the Bishopricke
of Exon, and
wee nominate,
ordaine, make,
create, declare,
and constitute
by these presents
the same Miles,
Bishop of Exon,
and of Exeter
Diocesse : to have
and to hold, execute,
and enjoy the
said Bishopricke
of Exon to the
same Miles, during
his naturall life,
together with
all Lordships,
maners, Lands,
Tenements,
hereditaments,
possessions, and
rights, as well
spirituall as
temporall, and
all other profits,
commodities,
emoluments,
offices, dignities,
authorities,
preheminences,
and Jurisdictions
whatsoever, to
the said Bishopricke,
and pastorall
office, of the
same now
belonging,
appertaining,
or incumbing.
And wee will,
and by these
presents grant
to the said Miles
now Bishop of
Exon, that hee
may lawfully,
freely, and
quietly, be able
lawfully to
ordaine and
promote, what-
soever fit
Clerkes where-
soever borne
within the
said Diocesse
of Exon, and
others in that
part, lawfully
dismissed and
licensed to all
lawfull and
Presbyterall
orders, and
those so pre-
sented to
admit to
Ecclesiasticall
Benefices
whatsoever,
within the
said Diocesse
and Jurisdiction
being and
lying in the
Bishopricke
of Exon,

salutem. The King to all to whom these presents shall come greeting. Whereas the Bishopricke of Exon is without a Bishop, and is destitute of a fit Pastor, by the free resignation of John late Bishop of that place, and doth by right belong to our Collation and donation. Wee willing to collate another fit person to the Bishopricke aforesaid, and judging our wellbeloved Miles Coverdale, Professor of Divinity, for his singular learning in the Scriptures, and for his most approved maners, wherewith hee is indowed : to be a fit man for the place and Office aforesaid : know yee therefore, that wee of our speciall grace, and certaine knowledge, and meere motion, have conferred, given and granted, and by these presents doe conferre, give and grant to the foresaid Miles Coverdale the sayd Bishopricke of Exon. : and wee translate the same Miles to the Bishopricke of Exon, and wee nominate, ordaine, make, create, declare, and constitute by these presents the same Miles, Bishop of Exon, and of Exeter Diocesse : to have and to hold, execute, and enjoy the said Bishopricke of Exon to the same Miles, during his naturall life, together with all Lordships, maners, Lands, Tenements, hereditaments, possessions, and rights, as well spirituall as temporall, and all other profits, commodities, emoluments, offices, dignities, authorities, preheminences and Jurisdictions whatsoever, to the said Bishopricke, and pastorall office, of the same now belonging, appertaining, or incumbing. And wee will, and by these presents grant to the said Miles now Bishop of Exon, that hee may lawfully, freely, and quietly, be able lawfully to ordaine and promote, whatsoever fit Clerkes wheresoever borne within the said Diocesse of Exon, and others in that part, lawfully dismissed and licensed to all lawfull and Presbyterall orders, and those so presented to admit to Ecclesiasticall Benefices whatsoever, within the said Diocesse and Jurisdiction being and lying in the Bishopricke of Exon,

and

and in; and of the same to institute, invest; and if hee shall find them not fit, to deprive them of their Ecclesiasticall function, and to remove them from the same, and also to conferre and bestow whatsoever, Benefices, Dignities, and Ecclesiasticall Promotions, belonging and appertaining to the collation and disposall of the said Bishop of Exon; to proove last Wills and Testaments of all deceased whatsoever within the said Diocesse and Jurisdiction of the Bishopricke of Exon; and the administration of whatsoever goods of the same Diocesse and Jurisdiction, of such as dye intestate, or by way of intestation, to insinuate and commit, and sequester the goods of the said deceased in cases promitted by Law, and to inquire and take an accompt and reckoning, and to doe all other things necessary in that behalfe, and to heare, dispatch, take notice, and examine causes, quarrels, and whatsoever businesses belonging and appertaining to the Ecclesiasticall Courts, and to the said Bishop, by way of complaint, or appeale, or otherwise to be devolved, as well at the instance and petition of the parties, as of office, simple, mixt or promoted, and to disesse, decide, determine, and finish those things and causes with their incidences, emergencies, dependencies, annexes, and connexes whatsoever, also to visit the Cathedral Church of the City and Diocesse of Exon, and the whole Clergy and people of the same, as well in the head as in the members, as often, and when there shall be need, and it shall seeme expedient; and to inquire of, and upon whatsoever crimes, excesses, and delinquencies, belonging to the Ecclesiasticall Court, within the said Diocesse of Exon; and Jurisdiction of the said Bishopricke of Exon, committed and perpetrated; as well Ex officio simple and mixt, as promoted; and duly to correct, reforme and punish, whatsoever delinquents; or criminall persons, by Ecclesiasticall Censures, and other lawfull remedies of Ecclesiasticall Jurisdiction; and to depute and place any Officials, Commissaries, and other Ministers whatsoever for the due execution, exercise and expedition of the premises, and all other and singular things in the premises, or any of them, or any thing necessary or any way fit concerning them; and all other things whatsoever any way respelling; tending and

* See Fox
Acts and
Monuments
p. 1294.
1405.

concerning the authority, power and jurisdiction ordinary, and Episcopall and pastorall offices, *Præter & ultra ea quæ ipsi divinitus concessa esse dinoscuntur*; Besides and beyond those things which are knowne to be committed unto them from God, out of the sacred Scriptures, to execute, exercise, doe, dispatch and commit to execution, * **VICE, NOMINE, ET AUTHORITY NOSTRIS REGIIS**, in our Royall stead, name, authority, &c. In witness whereof &c. Witness the King at Westminster, the 14. day of August, in the fifte yeare of the Raigne of King Edward the 6. of England, &c.

By a Writ of privy Seale, and the Date aforesaid, by authority of Parliament.

From this Patent (and sundry others of this forme) it is apparant, that the Bishops power to ordaine, and institute Ministers to Churches, to keepe Consistories, and Ecclesiasticall Courts, to hold plea of Ecclesiasticall causes, to inflict Ecclesiasticall Censures, to keepe Visitations, and to inquire of such offences as deserve their Censure without Oath, (for this, not any other Bishops Patent gives them no power to administer an Oath in such causes,) to proove wills and grant Letters of administration, deprive or suspend Ministers, and the like, is derived to them onely from the King, and not *jure divino*, by any divine right: that Bishops ought to have these Jurisdicions granted to them by the Kings Letters Patents under the great Seale, and that they ought to keep their Courts, Visitations, and make out all their proces, onely in the Kings name, and right, as his Officers and Visitors onely, under paine of usurpation, and a *Premunire*; which they neither doe, nor are willing to doe, (as appeares by the Archbishops late contest the 21. of Iuly 1636. before the King himselfe at Hampton Court, where the sole question was, whether the Archbishop by his owne Episcopall authority, without any speciall Commission from his Majesty, and in his name and right alone, as his

Vi.

Visitor, should visit the University, which none of his Predecessors since the beginning of Reformation had done before him? which cause miscaried for want of true reformation of his Majesties right, † but proceed onely by their usurped power and authority. *Bishop Jewell in his Sermon on Psalm.* † See Box
 69.p.190. recordes, that *Pompeius a Gentl. of great wealth and* Acts and
notable courage did build a Theatre, such a one as before had not Monuments
beene, which would containe 25000. men, p. 1405.
contrary to the Pro- 1294.
clamation and Order taken; but doubting lest the next Magi-
strates should destroy it, † hee caused a place of religion to be set †Tertullian
upon it, and called it the Temple of Venus. Whereby hee provided, de Spectacu-
that if any would overthrow it, because it was a Theatre, they li. I.
might yet spare it for the Temples sake; For to pull downe a Temple
was sacriledge. Even so there have beene Proclamations and Ca-
mons (saith hee) that no man should be called the cheife, or head
of all Churches, or usurpe such authority over others; but when
the Pope built up his Supremacy against the meaning of such Ca-
mons, hee pretended religion for his doing, hee said hee was de Iure
Divino, that no man should presume or attempt against it, and that so
his power might continue for ever. Iust so our Prelates, imitating
the Pope in this his Stratageme, and well knowing, that by
the Doctrine of the Scriptures, Fathers, and the forecited Sta-
tutes, they have no greater authority or Iurisdiction then Mini-
sters, and that all their Episcopall Iurisdiction & authority above
ordinary Ministers, is derived only from the King and humane
institution, and so subject to be revoked or restrained at the
Princes pleasure, doe therefore labour, to build their pretended
Episcopall Iurisdiction and authority upon divine institution,
against the meaning of the Scriptures, Fathers, and foresaid
Statutes, and publicly teach and define, that it is Jure Divino,
that so no man should presume or attempt against it, though
they most intollerably abuse it, and that this their extravagant
usurped power might continue for ever, to oppresse Gods
Church and People. Since therefore our Prelates are such
notorious usurpers, both upon the Kings Ecclesiasticall Prero-
 gative

& Gratianum,
 Can. II.
 Quest. 2.
 Bishop
 Jewell, Re-
 ply to Har-
 ding, Art. 4.
 Divis. 3.
 p. 234.
 1 Cause. 25.
 Quest. 2.
 Sic decet:
 * In the E-
 pistle on
 Palme-Sun-
 day, all the
 Bookes be-
 fore, 1629.
 reade the
 texts truly:
 That IN
 the name of
 Iesus every
 knee should
 bow, &c.
 Master Co-
 sens (I know
 not by what
 Authority)
 to patronize
 the Ceremony
 of bowing
 at the name
 of Iesus; An.
 1629. tur-
 ned it into,
 AT the
 name, since
 which it
 and Latine, and neither good English, nor sence.

gative and the Subjects Liberties, I shall conclude the first part
 of this Breviate; with the sayng of Pope Gregory: Privile-
 gium meretur amittere, qui abutitur potestate.
Hee that abuseth his authority, is worthy to loose his priviledge, and
*that Decree of Pope Sylvester, inserted into the by of the Com-
 mon Law, (which the Bishops themselves now so much ende-
 vour to advaunce) Etiam quod habuit amittat; quod non accepit usurpat; Hee that usurpeth that which*
hee hath not received (as our Bishops have done, and daily
doe) let him loose that hee hath formerly enjoyed. To end all
In the Letany of the Common Prayer Booke, there was this prayer
used in King Iames time, for the Queene, Prince, and the King
and Queenies Children; Almighty God, which hast promised to
be a Father of thine elect, and of their Seed, wee humbly beseech
thee to blesse our gracious Queene Anne, Prince Charles, &c.
*Our Prelates (who have beene tampering with * corrupting,*
expunging the Booke of Common Prayer it selfe, though contri-
med by Act of Parliament, contrary to the Statute of 1. Eli. c. 2.)
out of their hatred and dispite to Gods election and elect, and
their unparalleld undutifulnes, disloyalty and contempt to his
Majesty and his seed, have expunged this passage, (which hath
promised to be a Father of thine elect and their seed) out of all our
late printed Common Prayer Books, as if his Majesty, his
Royall Consort, Prince Charles, and the King and Queens
other Children were none of Gods elect, nor God their Fa-
ther. A thing worthy speciall observation and detestation, agra-
vating and adding weight to all their former presumptuous en-
croachments upon, and Rebellions attempts against his Ma-
jesties Royall Crowne and dignity. Since therefore they
thus implicite deny God to be a Father, both to the King, the

Queen and their Seed ; and expunge them out of their Catalogue of Gods elect, depriving them hereby not onely of their Royall temporall Crowne here , but of their eternall Crowne of Glory hereafter , by their owne Episcopall usurped domineering power, his Majesty , with his Royall Confort and Seed; can doe no lesse by way of right, and retaliation , then forthwith discard them from being any longer any ruling Fathers, in or elected swaying Prelates of our Church, *making the whole Packe of them in Quondams* , and reducing them to a parity with their Brethren *Foro Humano* , (whom *Jure Divino* , they ought not to exceed either in power or Iurisdiction;) till they shall publikely acknowledge these their notorious usurpations on their knees , and satisfie his Majesties Iustice for them to the full as they well demerit ; there being none such desperate professed publike enemies, rebels, underminers to his Majesties Crowne and Ecclesiasticall Prerogative , his Lawes, his Subjects, Republike, Religion, Iustice, Grace, and all good men, as they, as the premises evidence, and the second part of this short *Breviate* will more largely manifest, to which I now proceed in order.

*m See Bishop
Latymers 2.
and 4. Serm.
before King
Edward
the 6.*

S

Their

Their Encroachments upon the Subjects Liberties.

1.
a See Rastals
Abridgment
Tit. Accus.
And the Pe-
cution of right
3. Carols.



That the
Bishops and
High Com-
missioners
have no
power at all
to fine, or
imprison, or
arrest and
attach men
by Pursu-
vants, as
now they
daily doe.

The Statute of a *Magna Charta* (39.
times confirmed in Parliament) *cap. 29.*
enacts; that no freeman shall be taken, im-
prisoned or disseised of his freehold, or libertie,
or free customes, or out-Lawed, or exiled, or
any otherwise destroyed, neither shall we
passe upon him, nor condemne him, but by
Lawfull Judgement of his Peeres, OR BY THE LAW
OF THE LAND.

The Statute of 5. Ed. 3. c. 9. ordaines, that no man from
henceforth, shall be attached for any accusation, nor forejudged
of life, nor limbe, nor his lands, tenements, goods, nor cattels, seized
into the Kings hands, against the forme of the great Charter, and
the Law of the Land.

The 5. Statute of 25. Ed. 3. c. 4. prescribes; that from
henceforth, none shall be taken by Petition or suggestion made to our
Soveraigne Lord the King, or to his Counsell, unlesse it be by in-
dictement, or presentment of good and lawfull men, where such
deeds be done, in due maner, or by proces, made by writ original
at the Common Law; nor that none be put out of his Fraunchise,
nor of his freehold, unlesse hee be duly brought into answer, and fore-
judged of the same, by way of Law. And if any thing be done
against the same, it shall be redressed, and holden for none.

The Statute of 28. Edw. 3. c. 3. Provides, that no man
of what estate or condition that hee be, shall be put out of Land or
Tenement, or taken, or imprisoned, or disherited, or put to death,
without being brought into answer by due proces of the Law.

The Statute of 37. Edw. 3. c. 18. complaines, That though
it be contained in the great Charter, that no man be taken, im-
prisoned, or put out of his freehold, without proces of the Law,

never-

neverthelesse, divers people make halfe suggestion to the King himselfe, as well for malice, as otherwise; whereby the King is often grieved, and divers of the Realme put to great damage, and losse against the forme of the great Charter, wherefore it orders, that all they, that make such suggestions, be sent with their suggestions, before the Chancellour Treasurer, and his great Counsell, and that they finde surety to pursue their suggestions, and to incurre the same paine, that the other should have had, if hee were attained, in case that his suggestion were found evill, and that the proces of the Law be made against them without being taken or imprissoned against the forme of the said Charter.

The Statute of 38. Edw. 3. c. 9. thus seconds the former Statute, As to the Article made at the last Parliament of those that make greivous complaints to the King himselfe; It is assented, that if hee, that maketh the complaint, cannot proove his intent against the Defendant, by the proces limitted in the said Article, hee shall be commanded to prison, there to abide, till hee hath made good to the party of his damages and of the slander, or that hee hath suffered by such occasion, and after shall make fine, and ransom to the King, and the point contained in the same Article, that the plaintiffe shall incurre the same paine, which the other should have, if hee were attained, (in case that his suggestion be found untrue) shall be taken away.

The Statute of 42. Edw. 3. c. 3. concludes thus; To eschew the mischiefs and damage, done to divers of the Commons, by false accusers, which oftentimes have made their accusations, more for vengeance and singular profit, then for the profit of the King, or of his people; of which accused persons, some have bene imprisoned, and others caused to come before the Kings Counsell by writ, and otherwise, upon greivous paine against the Law. It is assented and accorded for the good governance of the Commons, that no man be put to answer without presentment before Justices, or thing of record, or by due proces, or by some writ originall, according to the old Law of the Land, and if any thing from henceforth be done to the contrary, it shall be voyd in the Law, and holden for Error.

b Mathew
Paru. Hist.
Major.
p. 96. 97.

All these recited Statutes, are mentioned and ratified, as the undoubted Lawes and Liberties of the Land, by the late Position of right 3. Caroli. The famous Parliament held at b Clarendon, An. 1164. under King Hen. the second, subscribed and sworn to by Becker himselfe, and all the Prelates, Abbots, Clergy, Nobles, Barons, and Commons of England, as the undoubted Law, and the custome of the Land, to be inviolably observed, enacted among other things, that Lay-men ought not to be accused in the presence of the Bishop, unless it be per certos & legitimos accusatores & Testes: by certaine and Lawfull accusers and witnesses. And that excommunicate person ought not to give caution to remaine, nor yet to give an Oath, when they are absolved, &c.

The Statute of 25. H. 8. c. 14. recites: That it standeth not with the right Order of Justice, nor good equity, that any person should be convicted, and put to the losse of his life, name, or goods, unless it be by **DUE ACCUSATION AND WITNESSES**, or by presentment, verdict, confession, or proces of our Lawry; since by the Lawes of the Realme, for treason committed to the perill of the Kings most Royall Majesty, upon whose safety dependeth the whole Wealth of this Realme, no person can no way be put to death, but by presentment, verdict, confession, or proces of our Lawry, ‡ wherefore it is not reasonable, that any Ord'nary, by any suspicion, conceived of his owne fantasie, without due accusation or presentment, (to wit, by a full Jury upon Oath) should put any subject of the Realme, to the infamy or slander of heresie; to the perill of his life, losse of name, or goods; in consideration whereof it enact, That every person or persons, being detected thereof, **BY TWO LAWFULL WITNESSES AT THE LEAST** to any Ordinaries of this Realme, having power to examine heresies, shall and may after every such accusation and presentment, **AND NOT OTHERWISE, NOR BY ANY OTHER MEANES**, be quied, convented, arrested, taken or apprehended by the said Ordinaries, or any other the Kings Mi-

‡ Note.

nisters.

nisters, and subjects whosoever. And the Statute of 1. Eliz. c. 1. (which erects the High-Commission,) enacts, that no man shall be indicted, or arraigned for any offence against that Law, but by TWO SUFFICIENT WITNESSES at the least, and that viva voce, face to face, if they be alive, or within the Realme.

The Statute of 2. H. 5. c. 3. enacts: That forasmuch as divers of the Kings leige people, be dayly cited to appeare in the spirituall Court, before spirituall Judges, there to answer to divers persons, as well of things as touch freehold debt, trespassse, covenants and other things, whereof the commons pertaineeth to the Court of our Sovereigne Lord the King, as of matrimony and testament, and when such persons so cited, appeare, and demand a lible of that, that against them is surmised, TO BE INFORMED TO GIVE THEIR ANSWER THERE, or otherwise purchase a writ of our Sovereigne Lord the King, of Prohibition, according to their case, which lible is to them denied by the said spirituall Judges, to the Intent, that such persons should not be ayded by any such writ, against the Law, to the great damage of the persons so impleaded: That therefore from thenceforth the Lible should be granted and delivered to the party, WITHOUT DIFFICULTY, (and that before any Oath given to answer it) and in case it be refused, a * Prohibition * 4. E. 4. 37
8 Fitz. Nat. Brevium.
f. 43. E.
lies upon this Statute, as hath beene oft adjudged. By all these Statutes it is clearly resolved.

1. First; That no man ought to be cited, prosecuted, or proceeded against meerely *Ex officio*, without a sufficient pro-
secutor assigned, able to render sufficient damages to the Par-
ty prosecuted, in case hee be acquitted.

2. Secondly, That no man ought to be cited, convented, None to be
arrested, or apprehended for heresie (much more then in-
famous and petty Ecclesiasticall crimes) upon suspicion, or ma-
Judge, no not for heresie upon bare suspicion.

* 1. H. 7. c. 4. lice only: nor * unless hee be first either presented and indicted
 31. H. 8. thereof upon Oath, by a verdict of 12. sufficient men, or lawfully
 c. 14. 23. Eli. accused and docketed thereof by two lawfull witnesses at the least.
 c. 1. 35. Eli. accused and docketed thereof by two lawfull witnesses at the least.
 c. 1. 3. lac. c. 3.

Against ex
 officio
 Ombes.

3 Thirdly, That no man ought by Law to be forced by Oath or answer to Articles to accuse himselfe, in any criminal causes, which concerne either his life, liberty, losse of goods, or freehold; but ought to be convicted by witnesses, presentment, or the verdict of 12. men upon Oath; or by his owne voluntary confession, without Oath or coaction.

Against
 Pursuants
 and Inti-
 mations.

4. Fourthly, That no mon ought to be cited, or brought into answer, but by due Proces of Law, and according to the old Law of the Land; therefore not by Pursuants, or intimations.

Against ex
 officio, oathes
 and putting
 men to An-
 swer, before
 they have a
 Coppy of
 their Ar-
 ticles.

5. Fifthly, That no man ought to be put to answer, or take any Oath to answer in any Ecclesiasticall Court, before hee hath a copy of the libe; or Articles against him; and that this libe ought to be granted and delivered to him, without any difficulty, that so hee may either demurre, answer, or bring a Prohibition, as his cause shall require and advise with his Council, how to frame his answer, or demur legally for his best advantage, and security as hee doth in all Courts of Law and equity.

Against Ex-
 communica-
 tions for
 breach of Ca-
 non: nor ra-
 tified by Par-
 liament and

Imprisonmēt by the Prelates. c See Fitz. and Brooke, Tit. Excommunication, Little-
 ton, Sect. 193. and Cooke Ibidem.

6. Sixthly, That no man ought to be outed, or deprived of his freehold, goods, chattles, or exiled, outlawed or excommunicated (for every c excommunication is an outlary, because it disables a man to sue, and may be pleaded in barre of his action at the Common Law, yea and an exile to, from the Church and socie-

ry of the faithfull;) nor otherwise destroyed or condemned, nor yet fined, or imprisoned, but by the Law of the Land; that is, by the Common and Statute Law, of the Realme; not by any Ecclesiasticall Lawes, Canons or Constitutions, nor ratified by the King and Parliament; and that by the lawfull judgement of his Peeres, not by Ecclesiasticall Iudges or Commissioners; which can neither impose a fine on any man, nor deprive him of his freehold, nor yet imprison, or lay any pecuniary mulct upon him, as the marginall statutes and Lawbookes resolve; but onely in case of heresie and incontinency of Preists; in which two cases, and no other, they are enabled to imprison by two late * statutes; whereas at Common Law, they could imprison in no case; neither can they now impose a fine in any case, either by the Common or any statute Law.

7. Seventhly, That all proceedings, censures, excommunications, oathes, fines, imprisonments, contrary to these statutes, are meereley erroneous, and voyd in Law, and ought to be redressed and holden for none.

Yet notwithstanding all these just and equall statutes for the Subjects ease and benefit, our usurping domineering Prelates, both in their Consistories and Vilitations, (but especially in the High-Commissions,) oppresse and greive his Majesties good Subjects, in all and every of these particulars, contrary to the expresse Letter and provision of these reiterated Lawes.

1. First, In citing, prosecuting, and proceeding against men, meereley *ex officio*, upon bare superstitions, rumours, fames, (and oftentimes out of meere malice,) without any sufficient accuser, or prosecutor assigned to satisfie dammages to the parties unjustly vexed. And if any prosecutor be assigned (as many times there is not, neither in the High-Commission, nor their Consistories, it is commonly some apparitor, proctor, or proctors man, onely *pro forma*; or some officer, or well-willer

Artie. Cler.
c. 1. 2. 3. 4.
2. R. 2. c. 5.
2. H. 4. c. 15.
2. H. 5. c. 7.
1. Eliz. c. 2.
5. Eliz. c. 21.
23. 5. 6.
Ed. 6. c. 3.
Register
part. 1.
f. 267. a.
part. 2. f. 45.
49. 50. b.
57. b. 52.
55. a. 56.
a. 57. b. 59.
a. 66. a. 67.
b. 71. b. 99.
a. Fix. Nat.
Brev. f. 51.
K. 52. F. 53
a. 11. H. 4.
88. 20. E. 4.
10. b. 12.
E. 4. 20. 22.
Ass. 70. Com.
sultation. 57
Prohibition 30
25. H. 8.
c. 14. 21.
* 1. H. 7. c. 4.
25. H. 8.
c. 14.
Against *ex*
officio, Pro-
ceeds with-
out a Prose-
cutor.

* Bishop
Whites
Speech to
Master
Walter.

willer to the Court; so that if the parties be acquitted, yet they shall either have no costs at all allowed them, or very small, as experience witnesseth; and that because (as a * Bishop lately told a freind of his, that was acquitted in the High-Commission, and then dismissed without costs,) they must not discourage prosecutors, else they should have no worke, and no grieve would come unto their mils.

e Against
which Ter-
tullian in
his Apology,
thus de-
clames:
Natura fa-
ma omnibus
nota est
vestrum;
Est fama
malum, quo
non aliud
velocius u-
lum: carca
malum? quia
velox, quia
index? an
quia pluri-
mum men-
dax? que ne
tunc quidem
cum aliquid
lary, and
oppression,
desiring a
speedy reformation:
upon which
veris affert,
sine nēdaci
vitio est, detrabens
adijciens, immutans
de veritate. Quid
quod es illi
conditio est, ut non
nisi quum mentitur
perseveret, Et tamdiu
vivit, quamdiu non
probat. Siquidem
ubi probatis, cessat
esse, Et quasi officio
nunciandi sumēta, rem
tradit: exinde
res tenetur, res
nominatur. Nec quisquam
dicit (verbi gratia)
fama est hoc Roma
factum; aut fama
est, illum pronunciam
sortitum: sed sortitus
est ille pronunciam,
Et hoc factum
Romae, fama nomen
incerti, locum non
habet, ubi certum
est. An vero san-
credat, nisi in-
consideratus? quia
sapiens non credit
incerto, &c. Yet our
Prelates proceed
upon mere fames, and
swear Churchwardens
to present upon them;
though Tertullian
and the Christians
blamed it in the very
Pagans.

they
dress
any
M
ment
ture,
possi
appro
any,
foote
follo
in vic
being
of our
of the
B I T
ring th
sidera
Tynde
unfeal
poore
Comm
beene
Christ
Bishop
our Pr
baries
Archb
shephe
did we
extrav
selves
suppor
power
injunct

they received Royall promises, that these exorbitances should be redressed; though they be now more frequently practised, then in any former ages: as the late transacting of *Deſſor Stantons*, *Maſter Whites*, and other mens studies, and their imprisonment upon idle ſuſmiſes, with ſundry other preſidents of this nature, wittneſſes. Such proceedings, neither *Chriſt*, nor his *Apoſtles*, nor any godly Fathers of the Church, have ever uſed or approved againſt the moſt infamous hereticks; unparallelled by any, but the Spaniſh or Romiſh Inquiſitors, whoſe violent ſtooteſteps our mercifull, pittifull, fatherly, harmleſſe Prelates now follow to an haires breadth; exceeding all temporall Magiſtrates in violence, injuſtice, cruelty, extortion and oppreſſion; none being ſo merciles, cruell, furious, deſpitefull or pittiles, as many of our Prelates; who as *Anthonie Parſon* wittily answered ſome of them of old in the *ſ* Booke of *Martyrs*, are rather become *ſ* Fox *At* & *BITESHEEPES*, then true Biſhops, buying and devoure Monuments ring the poore ſheepe of *Chriſt*, like ravening Wolves: Which con- *P*. 1111. ſideration cauſed the godly *Martyr* & *Maſter William* *ſ* *Tyndall* at his death, to Petition King *Henry the eight*, (a ſuit not *ſ* *Fe* unſeaſonable to our preſent Sovereigne) to have compaſſion on his *p*. 986. poore Subjeſts, that the Realme utterly periſh not with the wicked Counſaile and proceedings of our Peſtilent Prelates; who have ever beene ſo prone to degenerate into cruell wolves, towards *Chriſts* poore ſlocke. That the very Booke of conſecration *ſ* *h* *ſ* *E*. 6. c. 2. Biſhops, ratified by *h* *Act* of Parliamēt, * ſubſcribed to by *ſ* *8*. *Eli* *ſ* *c*. 1. our Prelates, and lately reprinted by the Archbiſhop of Canter- * *Canon*. 36 *lawies*, commaund, preſcribes this exhortation to all Biſhops and Archbiſhops, at their conſecration. Be to the ſlocke of *Chriſt*, a ſhepherd, not a wolfe; feed them, devoure them not: Which if they did well remember, they would no doubt correct theſe their extravagant exceſſes, which all men cry ſhame on, but themſelves; and they would not allow, nor praſtiſe, were it not to ſupport their owne uſurped Epiſcopall Iuriſdiction, ſtate, and power, the onely object, about whoſe Patronage this violent injuſtice is exerciſed; *dignum patello operculum*.

T

3. Thirdly,

Against Ex
officio oathes
and Articles.

3. Thirdly, They inforce men by *Ex officio* Oathes, and Articles to accuse themselves, even in criminall causes, which concerne both their credits, in respect of scandall; their liberties, in regard of imprisonment: their freeholds and goods, in relation; to those deprivations, suspensions, and fines, which they inflict for the most part in their Commission Courts upon the defendants selfe detection and answers. A proceeding, contrary to the Common and statute Law of the Realme; which in a criminall case whatsoever, puts any delinquents upon any information, action, or inditement, to answer upon Oath, or to accuse themselves (no not in case of Treason, or felony, the most transcendent offences; nor yet in trespassse, or other petty misdemeanors, the argument used in the statute of 25. H. 8. c. 14. to condemne and abolish, *Ex officio*, oathes and proceedings, in case of heresie, and Ecclesiasticall offences) but puts the accuser to proove his information, plaint, inditement, or presentment by witnesses, and not by the defendants Oath or confession; the Common Law being so curious in this; that it will not so much as put a Juror to a voyre-dur, upon any challenge, which toucheth him in his reputation, or (as it were) of a crime (as for taking money, or giving up his verdict beforehand) though it forceth him to tell the truth upon his Oath, in other challenges of affinity, consanguinity and the like, which are neither scandalous, nor criminall; The reason whereof is given in our Lawbookes, because no man is bound to bewray himselfe, in things, which concerne his credit, liberty, life, or forfeiture of his estate, in which cases any man may lawfull refuse to take an Oath, or give any answer at all, as the marginal Law Authorities conclude and resolve. And for expresse authority in point. March. 18. Eliz. one Hinde was converted before the High-Commissioners for Symony, and committed for refusing to answer upon Oath, to accuse himselfe, and upon a Haberes Corpus brought by him in the Common pleas, he was delivered, after solempne debate, the Court adjudging the imprisonment, unlawfull in this case, because no man is bound by Law, in a case of crime, or scandall to accuse himselfe. Neither are those *Ex officio*, Oathes and Articles, contrary to the Common Law.

149. F. 3. 2. credit, liberty, life, or forfeiture of his estate, in which cases any man may lawfull refuse to take an Oath, or give any answer at all, as the marginal Law Authorities conclude and resolve. And for expresse authority in point. March. 18. Eliz. one Hinde was converted before the High-Commissioners for Symony, and committed for refusing to answer upon Oath, to accuse himselfe, and upon a Haberes Corpus brought by him in the Common pleas, he was delivered, after solempne debate, the Court adjudging the imprisonment, unlawfull in this case, because no man is bound by Law, in a case of crime, or scandall to accuse himselfe. Neither are those *Ex officio*, Oathes and Articles, contrary to the Common Law.

1. Fitz. challenge 100. Brooke, 25. 7. H. 4. 10. a. Fitz. Justice of Pearce, 172. Cromptons Justice of peace p. 182. 219. 2. Eli. 2. 13. Dyer. 288. p. 51.

Law
nesses
mister
ther
accus
toug
party
but n
ring
Oath
to pu
and a
as l
volun
that i
people
Oath
enfor
accus
again
for t
officio
quire
of two
ved a
but s
cheris
and n
Apos
nor an
them
prose
Law
broug
beare

Law : But to the Canon Law it selfe, which k requires wit-
 nesses and accusers face to face, to convict any man (especially a Mi-
 nister) of any crime, without forcing men, to accuse themselves, ei-
 ther upon Oath, or answer to Articles: And if witnesses faile, and
 accusers, the party by the Canon Law is acquitted. Which Law,
 though it prescribe sometimes an Oath of Purgation to the accused
 party, where there are stronge Presumptions and Circumstances,
 but no full legall proofe of guiltines, yet this is onely after full hear-
 ing of the cause and sentence given; not before it, (as our Ex officio
 Oathes now are, which precede the sight of the Articles) and that
 to purge and cleare the party, acquitted by sentence, not to detect
 and accuse him, that hee may be sentenced, yet this purgation,
 as l Gratian and the Popes there quoted by him, resolve, is onely
 voluntary, not coactive; as the Parties not the Judges election, and
 that in case of Bishops and Ministers, not of Laymen, when their
 people shall earnestly require it; so that it hath no affinity with the
 Oath and Articles, Ex officio, (which are not arbitrary, but
 enforced under paine of imprisonment; not to purge, but to
 accuse and insnare; and that not at the peoples request, but
 against their vote and clamors) the maine argument produced
 for their Iustification. Nay these Oathes and Articles, Ex
 officio, are * contrary to the Law of God himselfe, which re-
 quires m that every thing should be established, by the mouth
 of two or three witnesses: n that no accusation should be recea-
 ved against an Elder, (much lesse then no Elder condemned)
 but under two or three witnesses: o that every man should love,
 cherish, defend, and protect his owne fame, life, liberty, estate,
 and not destroy or ruine himselfe, contrary to our Saviours, and the
 Apostles owne practise, who p would not accuse themselves,
 nor answer to capitious Interrogatories and questions propounded to
 them, by the High-Priests and Pilate, but put them to their
 proofes and witnesses; Contrary to the Jewes, r yea Romans
 Law and proceedings, who condemned no man, before they had
 brought the accusers witnesses, and delinquents, face to face, and
 beare their accusations, testimonies, and defence. Contrary to

k Gratian
 causa 2. qu.
 5. 3 causa 3
 qu. 9. cau. 5.
 qu. 20. causa
 11. qu. 3.
 cau. 15. qu.
 5. 6.

lCaus. 2. q. 5
 * See An.
 Melvini
 Celse Com-
 missioni A-
 natomia.
 mDeut. 17.
 6. c. 19. 15.
 Matth. 18.
 16.
 nEph. 5. 29
 Eccl. 7. 16.
 Matth. 19.
 19.
 o 1. Tim 5. 8
 p Iohn 18.
 19. 20. 21.
 22. 23. 37.
 r In. 7. 51.
 c. 19. 9. 10.
 Matth. 27.
 11. to 15.
 Acts 23. &
 24. & 25.
 r In. 7. 51.
 Acts 23. 35
 c. 25. 16.
 17. 18.

Fox Acts

Monuments

London

1510.

P 950.951

1006.

1021.

1022.

1643.

1616.

1661.

1777.

1778.

1813.

1814.

1815.

1849.

1872.

1873.

1874.

1843.

1814.

1815.

481. 482.

539. 651.

All excellent

passages a-

gainst Ex

Officio. Oa-

thes and pro-

ceedings.

Simpson Pa-

pists 7. ge-

nerall conur.

9.2.

u. Discourse

of the abuses

now in

quest. x His Argument. y In his Scholasticall Discourse against the Cross. part. 2.

c. 3. Sect. 2. p. 104. to 109. x Bibliotheca sancta l. 6. Annot. 26. p. 43 + 435.

the note, Doctrine, and practise of many of our godly Martyrs, who affirmed it a thing contrary to Charity, to the Law of God, of nature, equity, common reason, and to the Canon and Civill Law it selfe, for men to bewray and accuse themselves, and therefore refused to take any Oath, or to answer to any Articles, to accuse themselves, declaiming against Ex officio, Oathes and proceedings, as Antichristian, blowdy, tyrannicall, unnaturall, uncharitable, unreasonable, unjust, yea execrable, and Diabolicall, (though our Prelates still uphold them, plead for them, imprisoning, and using such as even out of conscience refuse to take them, rather like doggs then Christians, which shewes, whose offspring they are) as is evident by Master William Tyndall in his workes, p. 122. 179. 208. 289. by the Brethrens Letter to Thomas Philip Martyr; by that excellent passage of Master John Lambert Martyr, to this purpose in his answer, to his first and 41. Articles: by Master John Philpot Martyr, and his fellow prisoners, who would neither accuse nor detect themselves, nor one another, and petitioned to the Parliament against these proceedings and Oathes: by some of the fellowes of Kings Colledge in Cambridge, by Richard Woodman, and Reginald Eastland Martyr. (who alleadged that hee knew that to end a strife and Oath was lawfull, but to begin a strife, an Oath is unlawfull, and therefore hee now refuseth to take his Oath in the beginning of this matter against him:) by Elizabeth Younge, Thomas Hutton, and Cuthbert Simpson Martyrs, and by Master John Fox himselfe; whom Doctor Andrew Willet, Master Wetherhall; Master Nicholas Fuller, and Master Parker, since have largely seconded, all of them passing a joynt sentence of condemnation against these Oathes and proceedings, which, say they, the very Fathers (as Athanasius, Ambrose, Chrysostome, and many others quoted by Sixtus Sennissus) have exceedingly declaimed

med

med against, as the High rode to perjury, and the very Devils
precipitate to tumble men headlong into hell, as a Sir Edward Cooke *slides* *case*
hath long since stiled them in his Reports; yea these *Ex officio* 4. Reports.
Oathes and Articles, are contrary to Archbishop Whitgifts owne f. 95.
confession and protestation before King James, and his Councell in the
Conference at Hampton Court, p. 90. (set out by the Prelates
themselves) where hee is brought in averring. That if any
Article before the High-Commissioners, (much more then in their
Consistories and Vilitations) did touch the party any way, either
for life, liberty or scandall, **HEE MIGHT RE-
FUSE TO ANSWER, NEITHER
WAS HEE URGED THEREUNTO.**

But now the course is cleane contrary to what it was then,
for if any man refuse to take the Oath, even before hee see whe-
ther his Articles touch him in point of liberty, or scandall, (as all
now doe, since they have made imprisonment, a censure of
course, in all causes there sentensed,) or else refuse to answer,
fully to their Articles which touch his reputation, liberty, and
lively-hood, or the losse of his living and Ministry, hee shall be
forthwith layd up in a filthy Dungeon, or nasty prison, as many
of late and heretofore have beene; and their Articles taken as
confessed. Such is their strange degenerate Iustice now,
from what it was even in Bishop Whitgifts dayes. Finally, as
these *Ex officio* Oathes and proceedings were founded on the
Statute of 2. H. 4. c. 15. (which Master Fox in his *Aels*
and *Monuments* therefore stiles the Statute *Ex officio*, p. 481.
482.) which was for mercy abandoned by the Statutes of 25.
H. 8. c. 14. & 10. Eliz. c. 1. (which erects the High-Com-
mission,) which expressly repeale the Statute of 2. H. 4. c. 17.
(and by consequence these oathes and proceedings granted on
it) which our High-Commissioners should be ashamed to use,
since that Statute, which erects their Commission, thus precisely
discordes them, &c. in Action which they were founded: So they
are contrary to the resolution of the Commons-house of Parlia-
ment, which hath oft complained against these *Ex officio* Oathes

and proceedings, as intollerable greivances, pressures, contrary to all Law, and Justice; and by name in the printed Petition of greivances, 7. Jacobi; yea contrary to the late Petition of right it selfe 3. Caroly, which condemnes these Ex officio Oathes, in case of the late Ione, (though prescribed by a speciall Commission,) as directly contrary to the Lawes, Statutes, Customs, and Franchise of the Realme; and enacts: that no man shall from thenceforth be called to take such Oathes, or confured, imprisoned, or any way molested for refusing to take the same: Of which more anon. I shall therefore close up this perticular, with the expresse resolution of Judge * Dyer, Catlyn, Saunders, and Whiddon, Pasc.

* Dyer
f. 288 p. 51

12. Eliz. where the case was this: A will of perjury was sued in Chancery, for perjury there committed, against the forme of the Statute of 5. Eliz. and the question was, whether if the Defendant pleaded not guilty, whether hee shall sweare his plea, and answer to Interrogatories upon Oath; It was resolved by all the Judges, that hee should nor, (for this would inforce him to accuse and defame himselfe in such a criminall cause,) and that the proceeding there should be by Latine will and answer, which upon issue joyned, should be tried by witnesses and a Jury in the Kings Bench. A full resolution, that all Ex officio Oathes and proceedings in

† 11. H. 4. criminall causes, are directly against the very Common Law
f. 37. For- and Statutes of the Realme. Therefore to be abandoned and
resque de exploded; neither can any Commission whatsoever warrant
laudibus Le. them; since neither the † King himselfe, nor the Pope and Pre-
gum Anglia, 42. Ass. 5. lates, have any power to alter or change the Law of the Land, but
Brooke Com- the whole Parliament onely, which so lately condemned both
mission 15. these Oathes and Commissions to administer them in the Peti-
x. l. d. 3. 25. tion of right.
b. 20. H. 3.

c. 9.
Against the
High Com-
missions pur-
servants, in-
trusions and
other Proces.

4. Fourthly, They are so farre from bringing men into answer, by due processe of Law, to wit, first by a Citation, then by an excommunication for default of appearing on the Citation; and lastly by a *Capias Excommunicatum*, directed to the Sherife, (the onely Ecclesiasticall proces and legall proceeding,

ding
many
lently
their
their
putti
their
all o
for n
a Pur
to be
Statu
servin
Plant
Atta
his co
which
ment
last pl
in.
first p
every
times
first p
an At
vant.
Intim
by suc
quer.
fine m
to the
Statute
and Co
person
then by

ding, that the High-Commissioners can or ought to use,) that many times at the first dash they breake open mens howles violently, as if they were Traitors and fellows, and attach them by their Purservants, under whose hands they likewise oft detainee them many dayes together, without bayle or maineprize; putting the poore Subjects hereby to an intollerable expence to their great oppressiion and uundoing; contrary to the course of all other Courts. If any man be brought into the Starchamber, for never so hainous offences, hee is not forthwith send for by a Purservant, nor clapt up prisoner at the first bonte, (which is to begin with execution, and quite contrary to all forecited Statutes,) but first of all a *Sub pana* is directed to him, the serving whereof costs him nothing, being ever done at the Plaintiffs charge: If hee appeare not upon the *Sub pana*, then an *Attachment* issues to the Sherife, at the Plaintiffe cost too, till his contempt appeares; and then himselfe must beare the charge; which is not above 10. s. of course; if hee stand out an *Attachment*, then a *Proclamation* of rebellion issues, and then in the last place a *Purservant* or *Sergeant at armes* is sent to bring him in. But in the High-Commission, a *Purservant* is oft times the first proces, or a *Citation* served by a *Purservant*; which costs every Defendant that lives 40. or 50. miles of the Court, sometimes 3. 4. 5. or 6. p. a peece; where as in all other Courts the first proces costs them nothing. After which *Citation* followes an *Attachment*, and that saved or executed by a speciall *Purservant* at the like rate. Then they send out *Intimation*, upon *Intimation*, of 20. 30. 40. 50. or a 100. s. a peece to appeare by such a day, which upon default they estreet into the Eschequer. A new kinde of Proces, never heard of, till of late, to fine men before apparance, and for not appearing, contrary to the course of all other Courts, and to the Common Law and Statutes, which expressly resolves, that Ecclesiasticall Judges, and Commissioners, can impose no fine, or pecuniary mulct, on any person by way of Censure, for any Ecclesiasticall offence, muchlesse than by way of proccesse. All these their proces and proceedings

b Artic. 1. lvi
c. 1. 2. 3. 4.
5. 6. c. 3.
1. Eliz. c. 2.
Fitz. Nat.
Brevium
51. R. 5. 2.
F. 53. A.
Sec(d) be-
fere,
are

are irregular, contrary to all the forecited statutes; and intolerable greivances, oppressions to the Subjects, as the Commons house of Parliament, in their Petition of greivances, 1. Jacobi and in most Parliaments, since have resolved, and our Judges long since determined: yet our Prelates are now more exorbitant, in this violent oppressive course of proceeding then ever, especially against godly conscientious Ministers and people; and that for meere toys and trifles; upon the information of every Drunkard, or base idle wretched companion; who out of malice and spite alone shall attempt to prosecute them. In c. 42. of Queene Elizabeth, the High-Commissioners directed a warrant, to one Richard Butler, Constable of Aldrington in the County of Northampton, for attaching and arresting the body of John Simpson of that Parish, and the bringing of him before them, for committing adultery with the wife of Edward Fust, the Constable hereupon with one William Johnson, Fusts servant, came into a widowers house in Aldrington, where Simpson was; at eight a clocke at night, and the doores being open, would have arrested Simpson; by vertue of the High Commissioners warrant, which hee there read unto him. Simpson notwithstanding resisted, and in his owne defence shot Johnson, who came in aide of the Constable, with a Pistoll, so as hee fell downe dead, for which being arraigned at Northampton, assises following, the question grew, whether this were willfull murder, or manslaughter onely: for if the Constable had lawfull authority to arrest him, then it was willfull murder, otherwise but manslaughter se defendendo. The matter being of great waight, was deferred till next assises, and upon conference with all the Judges of England, it was resolved; that it was onely manslaughter se defendendo, because though the Commissioners had power given them to attach, and arrest offenders by Pursuivant, or warrant, by the words of their Commission, yet the Statute of 1. Eliz. c. 11. on which the Commission is grounded, gives them no such authority, and so their Commission as to that particuler voyd in Law, and the Statute giving them no power to arrest Simpson, but to proceed against him by Citation onely, and other

c. Simpsons
case 42. Eli.

Ecclesiasticall proces, the Constables warrant was meereley voyed. And hereupon Simpson being indicted of willfull murder, was by the Jury found not guilty, by the direction of the Court, and so acquitted.

A full and most pregnant resolution in a point by all the Iudges; that the High-Commissioners cannot lawfully arrest any man by Pursivant or warrant, (as now they dayly doe)

* no though his doores be open, and the words of their Commission authorize them so to doe; and that the killing of their Pursivants and officers in such cases (much more then

where they ransacke and violently breake up mens howses,

† which are their Castles in all cases, except felony or Treason,

is no murder in point of Law, wherefore all their Attachments, arrests by Pursivants or others, and their new invented

Intimations, are meere extravagant oppressions, greivances, and innovations, contrary to the forecited Lawes; And so was it

agreed by the Court in *Lucas his case*, hil 30. *Car in the Kings Bench.*

5. *Fifthly*, Whereas in all other Courts of Iustice in the Kingdome, the defendants upon their appearance may freely

take a copy of the information, bill, plaint, or Articles exhibited, against them, to repaire therewith to Councell, to crave

advise, whether to answer or demurre thereto in Law, as the case shall require; and to direct them how to answer legally,

and cauteously for their best advantage, without taking any Oath to answer upon their appearance; before they see the bill,

information, plaint, or Articles; taking onely an Oath upon the putting in of their answer, (after it is perused, engrossed, and

subscribed by their Councell) That it is a true answer; yet our Prelates in their High-Commission and Consistories, are

growen so strangely, exorbitant and unreasonable, as upon mens appearance, before any sight or knowledge of the Ar-

rests

* Much lesse then can they breake up and ransacke any mans howse,

as now they doe,

† Cooke Reports. 2. Betwixt the

case, fol. 32.

That no man ought to be denied

a Coppy of his Articles

in the High-Commission

upon his appearance be-

fore any Oath or an-

swere bolden:

and that the denying of the Coppy of the Articles,

before Oath, or answer,

Of the Oath, and proceedings Ex officio, are against Law.

Articles exhibited against them, yea oft times before any Article drawn, to force men, to take an Oath, to make full and true answer to all such Articles, as are or shall be exhibited against them: which must needs be a meere rash, brutish inconsiderate Oath; voyd both of righteousness and judgement, (two d essentiall properties of every Christian Oath) fitter for beasts then men, and very prejudiciall to the parties. I read in e Vill

d Lev. 4. 2.
e De persecu-
sione Vanda-
lica. l. 4.

U. censit, that when King Hunerichus his Commissioners urged the orthodoxall Bishops and Ministers of Affricke, assembled together before them, to sweare to a certaine shedule tendered to them, before they had read and perused it; Hortulanus and Florentianus with all the others replied to them, Nunquid Brutus nos irrationalia, sumus, ut nescientes quid Charta contineat facile aut temere juremus, What are we unreasonable brute Beasts, that wee should easily or rashly sweare, not knowing what the Charter containes? Yet such brute beasts will our Prelates make men, that they must either sweare to answer Articles, before they know whether there are any Articles at all drawne up against them; or if exhibited what it is they containe, or whether they are fit to be answered or no; or whether the Court hath Iurisdiction in the things objected; or whether they shall live or be forced to answer them or no; or else they must forthwith be dragged to prison. Alas what is Barbarisme and inhumanity in the one; or rash unadvised swearing without Iudgement and righteousness, in the other, if this be not? yet this is the Fatherly Charity, mercy, and Iustice of our Prelates in their High-Commission & without parrall, or president among Turkes and Infidels themselves. If s Saint Chrysostome were so much against swearing in any before Ecclesiasticall Iudges (as Master Miles & Coverdale Bishop of Exeter records of him) that hee thus rebukes Cleargy men for administering an Oath to others to sweare men: Audi Clerici, &c. Heare this, O yee Clarkes, or Cleargy-men who reach out the holy Euangelists to them that sweare; how can ye be secure from that Oath, or this precept of our Saviours, swea

† See the Appellation of John Penrie to the High-Court and Parliament, An. 1589. p. 42. to 47. f Opus imperfectum in Math. Homily, 12. g His Exhortation to accustomed swearers.

not at all, who give an occasion of perjury? Can hee who carrieth
 fire, whence burning is occasioned, be free from that burning? or hee
 who holds out a sword by which murder is committed, is not hee a
 sharer in that homicide? So hee who gives an occasion of perjury to
 another, is a partaker of his perjury. Let the fire cease and there
 will be no burning; take away the sword, and murder will not be
 committed; take away an Oath, & there will be no perjury. If it were
 just to swear well, yee might justly excuse your selves, by saying, wee
 have given them the Gospell that they might swear, not that they
 might forswear; but now since yee know **THAT EVEN
 TO SWEARE WELL IS A SIN** (and <sup>b See Sixtus
 Senensis
 Bibl. Sancta
 lib. anot. 26.
 P. 433. 434
 435.</sup> how
 can yee be free, who give an occasion of sinning against God? If this
 Father thus declaimed against the Oathes administred by Cler-
 gy men in his time, what would hee say of these rash inconfide-
 rate *Ex officio* Oathes in our dayes, and of those Prelates, who
 force men to them, and imprison those who make conscience
 of them? doubtles hee would have filled the world with R heto-
 ricall invectives against them both, and condemne them as in-
 fringers of the third ⁱ Commandement, with other ^k texts of ⁱ Exo. 20. 7
 Scripture; and of the 39. Article of our Church, which con-
 demnes all vaine and rash swearing, (and what can be more ^k Math. 5.
 34. 36.
 Lam. 5. 12.
 or such as we have neither seene nor know what matters they
 containe?) and all swearing before a *Magistrate*, unless it be in
 a cause of faith and Charity; (and what Charity is it to inforce a
 man, to accuse, detect, defame himselfe, or others to his or their
 ruine?) and done according to the Prophets teaching in justice,
 judgement, and truth; as these rash oathes are not; for what
 justice can there be in this, to violate all these rules of justice?
 to make a man his owne accuser, betrayer? and to force him
 to swear to answer such Articles, which the Law perchance
 allowes him to demurre to, without Oath, or to take of by a
 Prohibition without answer, or to refuse to give answer to?
 what judgement can there bee, to swear, to give a true full

answer to Articles which we neither know as yet to be, or if they be, yet are utterly ignorant what they doe or may com-
prise? Or what truth can there be, to sweare to answer Articles,
which perchance by reason of sicknesse, death, freinds, com-
position, demurre, or a Prohibition, wee shall never give an
answer to; and by reason of our owne perticular ingagements
to secure, favour, helpe our selves, wee are in all legall probabili-
ty more likely to answer falsely or fraudulently then fully and truly (as
the most usually doe) the cause why no † Law permits any man
to be a wirnes, Judge, or Juror in his owne cause? well, when
this rash Oath is thus enforced and taken before sight of Arti-
cles; which the party may justly refuse, and if they be com-
mitted for not taking it; the Iudges on a *Habes corpus*, ought
to bayle them (as hath beene expressly judged in Leighs case, *M.* 9.
& 10. *Eliz.* and in Hinds case *M.* 18. and 19. *Eliz.* in the C.
B. and 3. *Jacobi*, in Berries case in the Kings Bench,) shall the
party have a Copy of his Articles forthwith, to goe to Councell
or men skillfull in the Lawes to advise him, (being ignorant
perchance himselfe in Law affaires) how to answer, as is usuall
in all Courts of Iustice else? No, his Majesties poore Subjects
(being purposedly for the most part brought before them to en-
snare and intrapp themselves,) must have no copy at all of
their Articles given them, whereby to put in their answers by
advise of Councell to ¹ captious and grosse interrogatories, able
to intangle the most intelligent; or to advise with their freinds and
Councell whether the Atticles be fit to be answered, or rather
demurred unto; or to moove for a prohibition before answer
given, if there be just cause; but * like sheepe appointed for the
slaughter, and destined to ruine, must answer their Articles and
put in their answers, before they shall have a Coppy of them;
and this answer must be dictated *Ex tempore*, by the parties to
the Register, who must write it from their owne mouthes, and
they then answer as hee thinks fit, else hee will not write nor
repeat their answers; and the defendants or their Councell, must
neither draw nor ingrosse their owne answers, neither may they

† Littleton.

Sect. 2. 12.

7. H. 6. 19.

a. 9. H. 6.

10. 12. H.

4. 8.

Brooke Lect.

12. Iudex,

Assessor,

Advocatus,

Executor

non possunt

esse testes.

Glossa in

Gratianum:

Causa 2.

Quest. 6.

cap. statutum

est: And all

Civilians &

Canonists in

their Titles,

De Testibus:

& Iudice.

l. 25. H. 8.

c. 14.

* Pf. 44. 22

Rom. 8. 36.

they have liberty to carry their answeres to their Councell to peruse after the Register hath written them, before they be put into Court, past all alteration and amendement. And if the party will make a defence or justification in his answer, by shewing the reasons, either why hee doth, or refuseth to doe this, or that hee is charged with; The Register either will not or may not write it; and the answer written must be purged and corrected in such cases, as the Register and Commissioners thinke fit; witnes *Master Snellings* late case, for not reading the Declaration; with others, whose answers and justifications would by no meanes be receaved, and were rased and purged after they were receaved and put in. Our reverend Martyr *Archbishop Crammer*, in his * *appeale from the Pope to the next general Councell*, makes these two cheife causes of his Appeale: *The right reverend Father James Brookes, Bishop of Glocester, Judge and Deputy, under the most reverend Cardinall Poole caused me to be cited at Oxford (where I was then kept in prison) to answer to certaine Articles, concerning the danger of my state and life, and when I being unlearned and ignorant in the Lawes, desired counsell of the learned in the Law, that thing was MOST UNRIGHTEOUSLY DENIED ME, CONTRARY TO THE EQUITY OF ALL LAWES, BOTH OF GOD AND MAN. Wherein againe I feele me MOST WRONGFULLY GREIVED. And when hee had required of me answers to certaine Articles, I refused to make him any answer; I said I would yet gladly make answer to the most renowned Kings and Queenes Deputies or Attornies then present, with this condution notwithstanding, that my answer should be extrajudiciall, and that was permitted me. And with this my Protestation made and admitted, I made answer: but mine answer was sodaine and unprovided for, and therefore I desired to have a Coppy of mine answeres, that I might put to, take away, change and amend them; and this was also permitted to me. (which yet is now denied men in the High-Commission, who can nei-*

* *Fox Acts and Monuments.*
p. 1708.

ther have Coppy of Articles, or Answer out of Court, to advise which Counsell or amend what is amisse by direction of Counsell, till the answer be in past all alteration) *Nevertheless, contrary to this promise made to me, no respect had of my Protestation nor license given me to amend mine answer, the second reverend Father Bishop of Gloucester commaunded mine answers to be inacted, CONTRARY TO THE EQUITY OF THE LAW.* In yvich thing againe I feel my self much greived. This denying therefore of men, the Liberty of making their Answers by their Counsell advise learned in the Law, and to have Coppies of their Articles, and Answers before their answers be in, to mend their answers by advise of Lawyers, is in this Archbishops and Martyrs judgement, a most unrighteous thing, contrary to the equity of all Lawes both of God and man, and a most yvrongfull grievance to the Subjects, giving them just cause of Appeale. Yet forsooth, it is the cause and custome of this most unrighteous Court, and must not be altered upon any termes. Moreover, whereas in all other Courts of justice every man ought to have all his charges together at first, in one Bill, Plaint, or Information, to which nothing can be added or inserted afterward, especially after appearance or answer given; yet in these vexations extravagant Courts of Ill-justice, you shall have additional Articles, exhibited and propounded after the originall given out and answered, of purpose to vex and insnare the parties, and to gaine the Register a double Fee for their answer, and sometimes additional upon additional, containing new matter or captious crosse interrogatories, to the end, you shall not escape Scot free, all which you must answer by vertue of your first Oath, before any coppy given you to advise with Councell: By meanes whereof and of some generall words (as *Conventicles, Schismatickes, Sedition, non-conformity*, and the like inserted into Articles) many ignorant, innocent people are intengled at unawares, and made guilty of that they are altogether guiltles, being quite deprived of the benefit of Law and Lawyers; who are chiefly necessary to direct

rect them in their answers, which either acquit or condemne them for the most part. And as Doctor Barnes in his Supplication to King Henry the eight p. 183. writ of the Prelates Courts in those dayes; So by these insnaring trickes and devices, wee may say of the High-Commission and Bishops Consistories now: In the Bishops Court no man (especially no good man, that opposeth their tyranny and proceedings) can be found innocent. Is not this a marvellous Court, that they have, wherein there was never any man accused of heresie or seisme, were hee learned or unlearned, but they found him guilty? Is not that a marvellous Court, that never hath innocents? What Court within this Realme may say this againe? Now whether these practises and proceedings of our Prelates, both in their Consistories and High-Commission Courts, complained of longe agoe, in 2. H. 5. c. 3. in 7. Jacobi, and every Parliament since, as an intollerable greivance, be not the very extremity of oppression, tyranny, and injustice, * as bad or worse, then any in the Spanish or intituled A Romish Inquisition, from whence they are derived, and more exorbitant, then any of our Popish Bishops proceedings heretofore against our Martyrs, recorded by Master Fox, let the indifferent and intelligent judge, yet our holy, just, and mercifull ghostly Fathers, who condemne the Presbyterians for not being mercifull as their heavenly Father is mercifull, not walking in love towards their brethren, not loving their enemies, and blessing those that curse them, (as Bishop White hath lately done, in his Epistle to the Archbishop of Canterbury, before his Doctrine of the Sabbath,) where hee shewes him selfe most uncharitable, and farre more guilty of this sin, then any of those hee censures for whom hee dismisseth with this Episcopall benediction, well be fitting his fatherly Candor, piety, and pittie, ABEANT IN MALAM CRUCEM, such a blessing, as never from any Christians penne before,) justify, and defend these unchristian, I had almost sayd Antichristian practises and proceedings, with blushlesse faces, though all men else are ashamed of them, exclaime, passe sentence against them; inflicting

* See a booke
Petition to
the Queens
Majesty,
p. 60. to 82
And In.
Penry his ap-
pellations to
the High-
Court of
Parliament,
p. 42. to 47.
Conference
at Hampton
Court p. 89.
accordingly.

flicking nothing but fines; imprisonments; execrations; excommunications, suspensions, deprivations, with the extremity of all miseries (the weapons of their Christian warfare) upon all who dare oppose them, or refuse to submit unto them, as if they gloried in nothing more than in tyranny, oppression, inhumanity, injustice, the cheife props to support their usurped hierarchicall domineering power over the poore flocke of

mHab. 1.8. Christ, which they thus miserable fleece, slaye, devoure, like
Zeph. 3.3. so many *m* ravening evening Wolves.
Acts 20.29

That the
 High-Com-
 missioners
 can neither
 fine nor im-
 prison.

-Ed. 1. the
Statute of
Biggany, c. 6
25. H. 8.
c. 14. 19.
21. 27. H. 8.
c. 15. 1. Eli.
c. 1. 2. 31.
H. 8. c. 14.
34. H. 8.
c. 1. 35 H.
8. c. 5. 1.
2. Phil. &
Mary, c. 8.
32. H. 8.
c. 38. 2. Ed.
6. c. 21.
36. E. 3. c. 8.
2. H. 5.
Stat. 2. c. 2.

Seldens Note ad Eadmerum, p. 168. 169. Eadmerus Hist. Novorum, l. 1. p. 6. l. 3. p. 67. l. 4. p. 94. 95. Fox Acts and Monuments, f. 96. n. 13. Eliz. c. 12. o. Canon 36.

Sixty, They fine, imprison, suspend, deprive, outlaw, exile, condemne, destroy his Majesties Subjects, and put them from their free-holds, callings, not onely without, and besides, but directly against the Law (to wit, the Common Law, of the Land, upon Articles, Canons, Constitutions, Ceremonies of their owne making, (which are no * Law of the Land unless confirmed by Act of Parliament) and for matters not way criminall by any Law or Canon. To instance in some particulars, by what Law of the Land, I pray, was Master Peter Smart, a reverend Prebend and Minister of Durham, fined, imprisoned, and deprived, An. 1629. by the High-Commissioners of Yorke, both of his Prebendary and living onely, for preaching against the setting up of Images, Altars, bowing to them, and placing them at the East end of the Church, directly contrary to the booke of Common Prayer, and the Homilies against the Perill of Idolatry, confirmed by Act n of Parliament, to which o all Ministers and Bishops subscribe? By what Law of the Land was Master George Huntly, not long since fined, imprisoned, deprived of his living, and degraded of his Ministry, for refusing to preach a Visitation Sermon upon the Archdeacons warning, though hee were then sickly and unable

preach

each, and sent xxs. to him to procure another to preach for him;
 there being no Canon Law or Statute extant, enjoying Mi-
 nisters to preach at Visitations; but many prescribing the
 Bishops and Archdeacons, who visit to preach themselves in person.
 what Law of the Land was one Master Crowder, Vicar ficio Arch-
 deaconi, fol. 36. Ec.
 dioceni, fol. 36. Ec.
 near Nonesuch about 6. yeares since, committed close
 prisoner to New-gate, 16. weekes together, by the now Arch-
 bishops of Canterbury and Yorke, under pretence of some
 reasonable words, delivered in the Pulpit; (but in truth, be-
 cause hee preached conscionably twice a day *q* neare the Court,
 and would not resigne his Vicaridge;) and after that deprived,
 both of his Vicaridge and Ministry in the High-Commission,
 without any Articles at all exhibited, or witnesses examined a-
 gainst him, or any prooffe, confession or conviction of any
 crime, under this pretext, that the matters against him were
 so foule, as they weare not fit to be Articled or proved in
 Court against him, nor yet to be notified to himselfe, that hee
 might either defend or justify himselfe if innocent, or confesse
 and amend if peccarit? A proceeding so desperately, transcendent-
 ly unjust, and yet most true, that no age, no Court of justice
 whatsoever can parralell it, in the most barbarous tyrannicall
 places or ages of the world? By what Law of the Land, I pray,
 was Master John Hayden, a poore Devonshire Minister,
 about 7. yeares since, for preaching a Sermon at Norwich,
 wherein hee lee fall some passages against setting up of Images in
 Churches (contrary to the Homily of the perill of the Idolatry)
 and * bowing at the name of Iesus, apprehended like a traytor,
 with Constables, Bills, Halberts, by Doctor Harfnet, then
 Bishop of Norwich, and brought manacled to him like a fellow,
 and for this offence onely committed by him close prisoner to
 the Common-goale at Norwich for 13. weekes space or
 more; where hee was like to starve, the Bishop taking away
 imprisonment, and other penalties and forfeitures therein mentioned, A thing worthy ob-
 servation,

X

from

from him both his money, papers, horse; and when the Iustices of peace at their quarter-sessions upon his petition would have bayld him; By what Law did the Bishop, to prevent his bayling, tell them, that hee would lay high-treason to his charge, and after that send him up to London by an High-Commission Pursevant, under whose custody hee was kept without bayle or mainprise for two whole Termes or more, till his cause came to hearing before the High-Commissioners in the Consistory of Pauls, onely upon these two points? or by what Law did the High-Commissioners then & there censure him to be imprisoned, deprived of his Ministry, orders, and to pay a fine besides, meereley for preaching against Images, and this superstitious Ceremony? Or by what Law did the Commissioners * since that time, imprison him in the Gatehouse CommonDungeon, and the now Archbishop of Canterbury send him from thence to Bride-well to be whipped, and there keepe him all the last extreame cold winter in a cold darke Dungeon, without fire or candle-light, chained to a post in the midst of a roome, with heavy Irons on his hands and feete, allowing him onely bread and water, and a Pad of straw to lye on: and since upon his releafe, cause him to take an Oath, and give bond to preach no more, and to depart the Kingdome within 3. weekes or a moneths space, and not to returne; and all this onely for preaching againe after his first unjust deprivation, though no exception was taken against his Doctrine?

* An. 1634
about the
later end of
the Somer
vacation.

* See Con-
salvus De
Inquisitione
Hispanica.
† An. 1628

A tyranny and barbarous cruelty transcending, at leastwise paralleling, the very worst of Boners and * Spanish Inquisitors proceedings. By what Law of the Land was Master Hugh Peter, Lecturer of Sepulchers in London, deprived of his lecture, and committed close prisoner † about 7. years since; for 6. weekes space together; (and Master Hierome, another Minister too at that season) by the Commissioners, before any Articles exhibited against him: though some Noble men interceeded for him, and tendered to bayle him; and all for this capitall offence, that hee was a Zealous powerfull preacher, and

was much followed after by the people? By what Law of the
 Land was *Master John Vicars of Stamford*, first sent for by a
 Purlevant, and clapt up prisoner upon a Papists, and drunken
 Inkeepers bare accusation, for many weekes together, before
 any Articles exhibited against him; and afterwards when hee
 was let out upon bayle, enforced to give bond, not to goe 10.
 miles from London, nor yet to goe downe to Stamford, no not
 to examine and prepare his witnesses (which at first hee was
 denied,) and after this imprisoned, fined, and deprived of his
 living, upon meere frivolous allegations, disprooved by many
 sufficient witnesses, and proved but by two or three dissolute
 and meane persons onely; and yet those no crimes at all against
 any Statute, Canon, or Articles of our Church? By what
 Law of the Land was *Butter* the Bookefeller, committed to the
 Fleet, by the Archbishop of Canterbury (then of London) as
 an High-Commissioner, onely for printing a passage against
 the Arminians, in Iustification of *Bishop Hall*, the Synod of
 Dort, and *Doctrins of the Church of England*, in a Letter of
Doctor Davenates, then Bishop of Salisbury to Bishop Hall, the
 omission whereof would have mangled both the letter and
 sence, because *Martine* his Chaplaine (who licensed the let-
 ter for the Presse) to please the Arminians, and betray the truth,
 had given direction that this passage (the maine part and scope
 of the letter) should be left out? By what Law of the Land
 can the High-Commissioners proceed against Printers and
 Stationers; (yea and Authorstoo) for breach of a Decree of
 Starchamber, made for their better ordering, (athing * meere-
 ly * So was it
 Civill, not Ecclesiasticall, punishable onely in that Court which ruled in the
 made it, and untransferrable to any other, being no Act of Parlia-
 ment, and binding none but such as are parties to it,) and there-
 upon burne their Letters, Bookes, Presses, yea fine, imprison,
 and put them from their trades, for printing, writing, and vent-
 ing orthodoxe Bookes against Papists and Arminians, in de-
 fence of the Doctrine of the Church of England, as they have
 done in the case of *Butter*, *Sparkes*, *Jones*, and others of late
 yeares?

C. B. 4. Ca-
 roli in
 Master
 Sparkes and
 Jones case,
 where a pro-
 hibition was
 granted.

years? By what Law of the Land did they convent *Doctor Souge, Doctor Sibbs, Doctor Taylor, and Master Davenport*, as notorious delinquents, onely for setting their hands to a Certificate (upon intreaty testifying the distressed condition of some poore Ministers of the Palatinate, and furthering a private Contribution among charitable Christians for their releife, when publike Collections failed. By what Law of God, or of the Realme, did they lately send for the *Major, Towne Clarke, and some Aldermen of Gloucester*, as grosse delinquents, onely for granting a small annuity to their painefull and faithfull Minister, *Master Workman*, so long as hee should continue among them, towards the better maintenance of himselfe and his Children, and cause them to revoke their grant? as if charity it selfe to distressed faithfull godly Ministers, were a notorious offence, as these uncharitable Prelates make it; who will neither suffer such Ministers to enjoy their livings or Ministry; nor permit others to releife them, when themselves have stript them of both; and all their meanes besides, onely for their diligence and profitableness in their places. By what Law of the Land was *Sir Giles Allington*, Knight, about 6. yeares since, fined no lesse then 10. thousand pounds by the High-Commissioners, and more over imprisoned and excommunicated, onely for marrying his halfe sisters daughter by the fathers side with license, it being lawfull though not usuall, in the judgement of many Divines and Canoniks, whose opinions hee had under their hands before the marriage, and clearely out of the words of the Leviticall Degrees, and so lawfull and dishonourable in point of Law, by the expresse Statutes of 32. H. 8. c. 38. yet in force, at leastwise not fineable and punishable in this maner? By what Law of the Land was † the *Major of Arundell*, not long since, fined and censured by the Commission at Lambeth, onely for doing justice according to his Oath, his duty, and the Law of the Land, in imprisoning a notorious drunken Clergy man, for his drunkennes, his misbehaviour, both in words and deeds to himselfe and the Constables (in affront of Justice, and breaking of the peace,) and that but for one nights space, and the

† An. 1634.

releas-

releasing him upon his submission, before hee needed, without any further punishment? (And all for sooth because hee was a Clergyman, whom our Prelates now strife to exempt from his Majesties Lawes and all temporall Jurisdiction, p for which they are p Keilwey in a Premunire.) And yet not censure, nor deprive the Clergy- fol. 181.
man for his beastly drunkennes and disorders, as hee deserved? 182. 183.
Alas, what a strange age is this wherein wee live; that the very 184. 185.

doing of justice, and the punishment of notorious malefactors, according to Law and Oath, must even by Prelates themselves be censured as a crime, and the malefactor justified and acquitted? What is this, q but to call evill good, and good evill, to put darknes for light, and light for darknes; to put bitter for sweet, and sweet for bitter? to justifie the wicked for reward, and take away the righteousness of the righteous from him? By what Law of the Land have at least 20. Ministers beene questioned, fined, censured, imprisoned, and put by their livings of late, meerey for refusing to bow at the naming of Iesus, or for preaching against it? The Booke of Common prayer, and OTHER RITES AND CEREMONIES OF THE CHURCH OF ENGLAND, (wherein all rites and Ceremonies inforce, or by Law established in our Church are comprized) doth not so much as mention it; and many learned writers of our Church, as r Bishop Alley, s Bishop Babington, t Doctor Whitaker, u Doctor Fulke, x Doctor Willes, y Doctor Airay, and z others of late have written a- mans libra-
gainst it, as superstitions and Popish, if not Idolatrous, and a Ma- ry Tom. 2.
ster Richard Hooker, and b Archbishop Whigwist, confessed it, fol. 43. 44.
merely arbitrary, & that no man ought to be urged to it; yet the bare 103. 104.
omission, or disallowing of this ceremony, is now a commo- f Exposition
Ar- of the Catho-
like faith,

p. 195. 196. 197. t Answer to William Reynolds, p. 398. 399. u Notes on Phi. 2. Sect. 2. x Synopsis papismi Cont. 2. Error. 51. y On Phi. 2. 9. 10. 11. z See lame Giles, and another Discourse lately published against this Ceremony. a Ecclesiastical polity. l. 5. § 30. b Answer to Cartwright. c See Bishop Mountaignes, Archbishop Laudes, Bishop Wrens, Bishop Pearce and others Visitation Articles.

ticle in our Prelates Visitations Consistories, and Commission Courts, though no Law of the Land require it, muchlesse prescribe any penalty to such as refuse to use or preach against it? By what Law of the Land, have many Ministers and others beene persecuted, sentenced, imprisoned, suspended, and put from their livings, onely for preaching, writing in Defence of the Articles and Doctrine of the Church of England against Arminians and Papists and yet not so much as one Minister or Writer questioned, censored, fined, or imprisoned by them for writing and preaching in defence of Popery and Arminianisme, against the Doctrine and Articles of the Church of England, as Bishop Mountague, Bishop Wren, Master Cozens, Master Shelford, Chomney, Bishop White, Doctor Heylin, Doctor Pocklington, in their Bookes and Sermons, and * many others in their Sermons, at Court

* Bishop Mountagues late Sermon in defence of Altars, contrary to his Majesties Declaration before the 39 Articles, and his Declaration about the Dissolution of the Parliament, p. 20. 21. 42.

* Sect. 38. n. 1. p. 111. Digress. 46. Sect. 43 n. 6 p. 165. 166

Pauls, in both Universities, and elsewhere have lately done By what Law of the Land have many of the best and painefullest Ministers, becom now of late suspended, silenced, excommunicated, and put from their livings onely, for refusing out of conscience to read the late Declaration for sports in their Churches, at time of Divine Service as his Majesties, though it came not to them under his Seale, though there be no Law, Canon, nor any one fillable in the Declaration, prescribing it to be read in Churches, or that Ministers should read or publish it; yea no penalty threatned to any that refuse to read it, and no Authority given to Bishops, or others to question or punish such who refuse to read it? And when as Doctor John White himselfe, in his way to the true Church, 5. times printed by Authority, and justified, and defended by Doctor Francis White, now Bishop of Ely, severely censures Papists for prophaneing the Sabbath, by Greeces, Ales, Dauncing, and other heathenish customes; branding this Position of Cardinall Tolet, justified by the Declaration; That it is lawfull on the Sabbath-day to follow suites, travell, hunt, DAUNCE, and such like; as a point of Popish Religion, which directly tends to the maintenance of open sinne and liberty of life; that a Doctrine of the Papists, which not onely infers, but expressly

prescribes
latency
ministry
so al
to be
prescribed
people
so far
for n
to the
the v
then
they
rever
solved
the r
neither
that p
of sp
threat
Comm
they st
Altars
in close
of the
the pr
top p
of the
was the
of the
to the
82. all
Comm
placed

presty allowes most palpable wickednes, directly tending to the de-
 lation of publike government, and private honesty; which hath
 made the Papists the most notorious Sabbath-breakers that live: And
 so altogether unfit both in point of conscience, piety, and policy,
 to be published by any Protestant Minister in the Church and
 presence of God himselfe, to damne both their owne and their
 peoples soules; and much more unfit for any Bishops to urge
 so farre as to silence, suspend, and excommunicate Ministers,
 for not reading it out of conscience, as many Bishops have done
 to their eternall infamy, and yet proceed to doe, as if they were
 the very Devils Bishops, rather then Gods; and Atheists rather
 then Christians, Papists rather then Protestants, as some feare
 they are. By what Law of the Land was Master Chauncie, a
 reverend learned Minister, very lately suspended, fined, impri-
 soned, untill hee should make his submission; onely for opposing
 the railing in of the Communion Table at ware (for which there is
 neither Law nor Canon) before any order under Seale given for
 that purpose? By what Law of the Land were the Churchwardens
 of Ipswich and Beckington, newly excommunicated, and threat-
 ned the High-Commission, for refusing to remooove their
 Communion-Tables out of the body of the Church or Chancell, where
 they stood ever since the beginning of reformation, and to place them
 Altar-wise at the East end of the Church, and there to rayle them
 in close prisoners against the wall; contrary to the very
 Rubricke of the Common Prayer booke, to Queens Elizabeths Injunctions,
 the practise of the Primitive, and all Protestant Churches, as
 Bishop Jewell proves at large out of Eusebius, Augustine, the
 5. Councell of Constantinople, Durandus, Geritannus Zervetus,
 the moderne Greeke Church and others; and the constant usage
 of the Church of England ever since reformation; yea contrary
 to the expresse words of the Bishops owne Canons 1603. Canon
 82. all which prescribe, that the Table at the Celebration of the
 Communion (at least if not at other times) shall stand or then be
 placed in the body of the Church or Chancell, in so good sort as there
 Monuments, p. 1404. 1406. and Doctor Bulke on Helv. 13.

d Before the
 communion.
 e The latter
 end.
 f The Reply
 to Harding.
 Artic. 3.
 Divis. 26.
 p. 145. 146
 his answer to
 Hardings
 preface: And
 Art. 13.
 Divis. 6.
 a p. 362.
 * So Master
 Bucer would
 have it
 placed, in his
 Censure of
 the Booke of
 Common
 Prayer in his
 Scripta Ang-
 licana,
 p. 457. and
 Doctor Wil-
 let to, in his
 Synopsi Pa-
 pismi. The
 9. generall
 controversie,
 qu. 6. Error.
 51 and Dr.
 Reynolds, in
 his Conference
 with Har-
 e. 8. Divis. 4.
 and Bishop
 Farrar. Fox
 Acti and
 Sect. 6.

by the Minister may be more conveniently heard of the Communicants in his prayer and administration (which hee cannot be at the upper end of the Chancell, being most remote from the people, where the Masse priests used to consecrate in a low dumbe voice) and the Communicants also more conveniently, and in more number may communicate, with the said Minister, who is enjoyned to stand at the North-side (not end) of the Table, which must therefore stand Table not Altar-wise, as these our Popish Innovators

Giles Widdowes Scismaticall puritaine. p. 89
Mr. Sheldford in his 1. treatise p. 2. and Edmund Reeves in his Exposition of the Catechisme in the Common prayer booke.
 would place it; who teaching men *g* to bow to Communion-Tables and Altars, because they are the place of Christs especially presence, and pleading so much for their Quires, (which they now Jewishly stile their *h* Sanctum Sanctorum, and make more holy then the other parts of their Church,) should for these very grounds and reasons place their Communion-Tables and Altars (as they will have them called) in the midst, not at the East-end of their Quires, because Christ hath promised, *i* that where two or three are gathered together in his name, there hee will be, and is in the midst (not at the East-end or one side) of them, because God is said *k* to be in the midst of his people and holy Temple (not at the East-end, where no seats, no people must be suffered) for *i* surely *h* Thus they of sitting above Christ, and taking the wall of God Almighty, frierlike, ridiculous reasons, fitter for Schoole-boyes then Prelates, or grave Divines, and because the Quire or Sanctum Sanctorum (as *m* Isidor Hispalensis, Rabanus Maurus, with *o* others testifie, hath its very name from the scituation of its Chauncie, & Altar, in the midst of it, and the Priests and people standing round Master

Ward. *i* Matth. 18. 20. *k* Psal. 46. 5. & 46. 9. *Jer.* 14. 9. *1. Kings* 3. 8. *Hosea.* 11. 9. *Isa.* 2. 27. *Zeph.* 3. 5. 15. 17. *Rev.* 1. 13. & 2. 1. & 5. 6.
l A reasonest used by the Bishops in the High-Commission and elsewhere, and by Sheldford, and Reeves in their late title booke.
m Originus l. 6. c. 19.

o Servius in Virgili. l. 6. c. 8. Calpine, Holioke and others, Tit. Chorus,

about it: Chorus (say they) est multitudo in sacris Col-
lectus, & dictus Chorus quod injicio in modum Co-
ronæ C I R C A (not juxta) A R A S starent,
(therefore certainly they stood in the midst of the quire, not at
the East-end against the Wall,) Et ita psallerent; which is
further evident by these ancient verses of Virgill:

p Instauratq; CHOROS mistiq; ALTARIA CIRCVM, p Æneid. l. 4

Creteq; driopesq; fremunt, pictiq; Agathirsi,

q Tum Sali ad cautos, incensa Altaria C I R C V M, q Æneid. l. 8

Populeis adsunt evincti temporarum,

Hic Juvenum Chorus, ille Senum, qui carmine laudes,

Herculeas & facta ferunt, &c.

Omnibus in templis matrum Chorus omnibus A R Æ.

And 7 by Alexander ab Alexandro, who assures us, r Genialium
that those who sacrificed to the Gods, we are accustomed to sing praises
unto them, pedibusque circum Aras psallere ad mu-
dicum, and to dance round about their Altars singing; and
that it was observed, that the sacrificers Aras circum-curre-
rent, would runne * round about the Altars, beginning their
Course from the left hand to the right, which they esteemed more
religious, and afterwards from the right hand to the left: All which
Plutarchi
is seconded and confirmed by Strabo Geogr. l. 10. and by Plato, Lucrui
Legum Dialog. 7. Hence s Eusebius writes, that the Altar
Instituta,
both in the ancient Temple of the Jewes, and in his dayes, was placed
in the midst of the Quire; not at the East-end; and t Sam
Augustine after him, Christ feedeth us daily, Mensa ipsius est
Respublica.
In medio constituta: This is his Table here set in the
midst; and hence it is recorded in the 1. Action of the 5. Councill
4. 5. Levit.
1. 14. 15.

6. 12. Chron. 5. 12. accordingly. s Hister. l. 10. c. 4. t De Verbū Dom. secun-
dam Iohā. Sermon. 42. See Chrys. Hom. 1, in Isay. 6. 1. and Nazianzen. Orat. 2 1.
7. 399. accordingly.

of Constantinople, that when the Chapter was reading: *cuncte omnes multitudo cum magno silentio circum circa Altare & audiebant*; all the people with great silence drew neare round about the Altar, and gave eare. From which au-

u Answer to
Hardings
preface, Re-
ply to Har-
ding. Art. 3.
Divis. 26.
p. 145. 146
x Notes on
Exod. c. 20.
G 27.
p. 279.
397.
y Walafridus
Strabo, De
rebus Eccle-
siasticis, c. 4.
19. p. 954.
955.
Doctor Wis-
let Synopsis
Papismi,
Cent. 2.
Er. 35.
p. 496.
z Rubricke
before the
Communiō.
a Canon 82.
b Q. Eliz. Injunction neare the end.
† Esther. 1. 12. to the end. Ephes. 5. 22. 23. 24.
* Bp. Hooper in his 6. Sermon on Ionah preached before and dedicated to King Edward the 6. Thomas Becon in his Comparison betwene the Lords Supper and the Popes Masse, f. 102. 103. vol. 3. and in his Catechisme, fol. 484. 485. dedicated to all the Bishops of England, and printed Cum privilegio, condemne this gesture of kneeling, as contrary to Christs Institution, and tending to superstition and Idolatry, and wish it were taken away. The Dialogue betwene Custome and verity. Fox Acts and Monuments, p. 1264. and divers of our learned and authorized writers have beene of the same judgement: why then the not using of it, out of conscience, should be such a crime as now it is made, I see no

so much contend, for which had their very names, Originals, and essence, even from the situation of the Altar in the midst of them. By what Law of the Land have Master John Cloberry, Master Brooke, Master Stanely, and many others bene imprisoned, if not fined by our Prelates, in matters of Alimony, for refusing to humour and maintaine their disobedient undutifull dominicering, if not whorish wives, departing away from them, either upon small occasions, or without any just cause at all, contrary to all Law? A greivance, against † Scripture, so by name complained of in Parliamt., 7. Jacobi, and other Parliaments since, and for which Prohibitions have usually bene granted, till now of late. By what Law of the Land have many of late, for refusing to * kneele at the Sacrament; and others onely for ad-

ministers
fin
Co
any
bei
H
pen
linc
Oye
of e
man
of th
ther
time
offen
of in
of C
Ar
Com
inqu
juris
by ac
and
clerica
Ord
fame
and f
ners
thou
how
priso
dayly
clude
yeare
both

ministring the Sacrament to such as kneele not, beene imprisoned, fined, suspended, and put from their livings, by the High-Commissioners, who have no conusans of these causes, nor of any offences against the Statute of 1. Eliz. c. 2. which Statute being made the same Parliament, with that which erects the High-Commission, particularly, and precisely limiting, what penalty every transgressor of it, shall suffer, who is made a delinquent by it alone; and expressly defining, that the Justices of Oyer and Terminer, or of Assise, and the Majors and Baliefes of every cheif Towne, shall inquire, beare, and determine all and all manner of offences that shall be committed, contrary to any Article of that Act, with such temporall and corporall penalties onely as therein are prescribed; and that no person or persons shall at any time hereafter be impeached, or otherwise molested, of or for any the offences therein mentioned, unlesse hee or they so offending, be there indicted at the next Generall Sessions, holden before the Justices of Oyer and Determiner of Assise; And then authorizing all Archbishops, Bishops, Archdeacons, with their Chancellors, Commissaries, Officials, and other Ordinaries, having peculiars to inquire in their Visitations, Synods, and elsewhere, within their Jurisdiction of all offences against that Act, and to punish the same by admonition, excommunication, Sequestration, Deprivation, and other Ecclesiasticall Censures, onely according to the Queenes Ecclesiasticall Lawes; and providing that hee who is punished by the Ordinary, by Ecclesiasticall Censures shall not be convicted for the same offence before the Justices, and punished with temporall penalties and soe converso; And giving the Ecclesiasticall Commissioners no power at all to punish any offence against this Act, though it names them in the last proviso upon another occasion; how the High-Commissioners can lawfully question, fine, imprison, suspend, or punish any Ministers or Laymen (as they daily doe) for offences against this Law, of which they are excluded the Conusans, and that one, two, three, foure or 5. yeares after the offence committed: or how they can inflict both emporall and Ecclesiasticall Censures at once for the same

* But not kneeling in the Act of receiving, is no offence in the people, without other circumstances against any clause of this Act, and so not punishable by it, especially where it is done out of conscience, not out of contempt, or scisme.

Mal. 3. 16.

Heb. 10. 24

25. Col. 3.

16. Eph. 5.

19. 20.

Acts 2. 1.

44. 46. 47.

6. 12. 5. 12.

c. 20. 20. 1.

Matth. 13.

10. 10. 53.

Deut. 6. 6.

7. 8. 9. Ter-

tullian. Apo-

logia advers.

gentes. Chrysostome hom. 2. 3. 4. 10. 29.

in Gen. hom. 5. 78. in Matth. hom. 2. in Iohan. Cæsarius Arelatensis. hom. 20.

Bishop Iewell Defence of the Apologie, part. 5. c. 3. Divi. 4. p. 449.

d 35. Eliz. c. 1. Iustinian. Codic. li. 1. De Episcopis & Clericis. lex. 15. f. 13. & De Summa Trinitate. lex. 2. Canons. 1603. Can. 11. 12. 73:

offences, or impose greater or other fines, or penalties, on delinquents then this Statute limits, I cannot possibly discern, neither could any man as yet informe me. True it is that * offences against this Act, are fit to be duly punished, yet onely in such maner and forme, and by such Iudges, such persons, as the Law it selfe prescribes. But that the High-Commissioners should punish them, and that in such maner, as themselves thinke meet at what time soever they please, is neither reasonable nor agreeable to this Law of the Land. Moreover, what Law of the Land, authorizeth our Bishops and Ordinaries, in their Visitations and Consistories, to excommunicate, or the High-Commissions to punish and imprison his Majesties Subjects, who resort to divine Service, and Sermons, and are no heretickes nor Anabaptists from, but conformable members of our Church, onely for repeating their Ministers Sermons with their families, friends, and neighbours, or for reading Chapters, singing of Psalmes, (and sometimes upon occasion for praying & keeping private Fasts together,) after they have been at Church on Lord-days, holy dayes, or Lecture-dayes, under pretence forsooth, that these their Christian meetings for these private commendable exercises of Religion (approved and practised by Christians in all ages) are unlawfull Conventicles, and these conformable persons, Conventiclers? which yet & none can be in Law or truth, but heretiques, or Anabaptists severing themselves from our publike Congregations, and erecting a new forme of Discipline and Service of God in private corners, different from that of our present Church. Certainly there is no Law of the Land, nay no Canon of the Church, by which our Prelates or Commissioners can judge these private Christian meetings and exercises, Conventicles, or punish these conformable members of our Church, who out of Conscience,

and p
duce
Presi
to be
their
quiri
Peers
partie
and g
* Can
Com
tors,
cases.
the H
Subje
vings
what
make
offen
inquir
ther a
Law
the ba
some i
juris
grant
Fathe
Churc
of 25.
mal eff
advise
16. Epis
proceed
in Quee
on that

and piety use them, as Conventiclers, much lesse can they produce any Scriptre, Divinity, religion, good reason, or ancient e Chap. 29
 Presideors for it. What Law of the Land authorizeth Bishops See Fox Aet
 to be both informers, accusers, witnesses, and Judges, and that in and Monu-
 their owne cases, contrary to the statute of e Magna Charta, re- ments,
 quiring, that men shall be judged by the lawfull Judgement of their P. 1054
 Peeres, that is, by lawfull and indifferent Judges, not such as are our 1320.
 parties, prosecutors, or enemies, contrary to the f Common 1769.
 and g Statute Law, yea, b all common sence and reason, &c the very 7.H. 6. 13.
 * Canon Law? yet such are they in their officio proceedings, and a. 11. H. 4.
 Commissions for the most part, where they are both prosecu- 8. Bro. Leet.
 tors, accusers, witnesses and Judges, and that in their owne 13. Littlet.
 cases. I might runne through infinite other particulars, for which Sect. 212.
 the High-Commissioners dayly fine and imprison his Majesties Cookes insti-
 Subjects, and thrust many Godly Ministers both from their li- tutes, ibid.
 vings, lectures and ministry; If I should demand of them, by g 18.E. 3.
 what Law of the Land they doe it? or what Law or Canon Stat. 3. the
 Judges, makes those very things, for which they are censured, criminall Oath of the
 offences? it would put them to *Non-plus*, and upon diligent 1.E. 3. 13.
 inquiry made after such Lawes or Canons, they must returne, ei- a. 23. a.
 ther an *Ignoramus*, or *Non est inventus*. For example, what 5.E. 3. 8.
 Law of the Land, what Canon or Article of our Church, makes 8.E. 3. 2.
 the bare affirmation? That Bishops and Ministers are one and the 22.E. 3.
 same in office and Authority *Iure Divino*, and that the difference in E. 3. 94.
 Jurisdiction, power, and superiority, now betweene them is by the 95. 30. E. 3.
 grant and favour of Princes onely (the i professed Doctrine of the 13. a. 38.
 Fathers, of all forraigne Protestant Churches, writers of our owne E. 2. 16.
 Church and Authors, and the expresse resolution of the Statutes 5.H. 7. 9 a.
 of 25. H. 8. c. 19. 26. H. 8. c. 1. 37. H. 8. c. 17. 1. E. 6. c. 2. * Nec ullum
 unquam
 malisse, & *Iudex vel testis, quoniam in omni iudicio quatuor personas necesse est semper*
adesse, id est, Iudices Electos, & accusatores, ac defensores atque testes. Fabiani Papae Decre-
 ta, Epist. 2. Surium Concil. Tom. 1. p. 214. which overthrowes all Ex officio Oathes and
 proceedings. i See Gersonius Bucerus Dissertatio de Gubernatione Eccles. The Petition
 to Queene Elizabeth, Doctor Bastwicke, De Iure Episcopali and others, who have written
 on that subject.

kp. 383.

Against
Carthw.

10 f. the Prin-

ces Supre-

macy, p. 259

926.

Anselmu

Cantuarium

in 1 Tim.

3. Tit. 1. 5.

7 Phil. 1. 11

Richardus

Armachanus

1. 11. De

Quest. Arm.

c. 1 to 7.

m Bp. lewell

Defence of

the Apolog.

part. 2. c. 3.

Divis. 5.

p. 99.

100. Ec.

p. 102. Bp.

Hooper on

the 8. Com-

mandement,

Bishop La-

stimer in his

Sermon of

the Plough,

Bishop Alley

Law and justice,

even in this case

which immediately concerned

themselves alone, must be both his accusers and judges, and pass

this doome upon him though his professed enemies, what Law,

of Dorman. f. 45. 46.

and Clergy of England in their institution of a Christian man, dedicated to King Henry

the 8. An. 1537. c. of Orders. Wicklif. Dialog. 1. 4. c. 15. 16. 26. Mr. Nowels Reprop

of Dorman. f. 45. 46.

1. Eliz. c. 1. and 8. Eliz. c. 1.) either an error or an offence; yet Doctor Bastwicke for this orthodoxe Doctrine (confessed to be an undoubted truth by k Archbishop Whitgift 1. Bishop Bridges, and all m other our Bishops in their writings against the Popes supremacy,) and urged by them and all other Protestant writers whatsoever of that subject as a principall unanswerable argument against the Popes pretended Sovereignty over all other Bishops and Ministers by divine institution (though our Prelates, in the Controversies betweene them and the Puritans, as they call them playing the turne comtes, directly denie it, and brand it as an Arian heresie, because it utterly overthrowes their Episcopall Superintendency, and domineering Lordship over their fellow Ministers) brought in onely by way of Argument, in a Latine Booke, printed beyond the Seas, in defence of the Kings Prerogative Royall, and other Ministers and Bishops liberties against the Popes and Italian Prelates usurpations, without any the least relation to our Bishops, who are not so much as named nor intimated therein, must be excommunicated, imprisoned, fined no lesse then one thousand (and by the now Archbishop of Canterbury two thousand pounds) to his Majesty, and debarred his practise of Physicke. (So dangerous an offence is it now for any man to shew himselfe a true loyall Subject to his Majesty, in defending his Crowne and dignity, against the Popes & Prelates incroachments, according to their Oath of Supremacy and allegiance prescribed by the selfe same statute, which erects the High-Commission) and the Bishops themselves, contrary to all Law and justice, even in this case which immediately concerned themselves alone, must be both his accusers and judges, and pass this doome upon him though his professed enemies, what Law,

or C

May

day)

or ple

Chur

goe lo

that E

electe

widen

it comm

to avo

of the

neithe

Ward

have b

these c

a wor

Comm

Law o

T

bands.

1.

the Com

for any

Ecclesi

punishm

2.

and Ger

Artic

de. 14. 3

232 and

much.

35 R.

or Canon is there that makes preaching against n Maygames, May-poles; mixt and lascivious dauncing (especially on the Lords-^{n See Ma-} day) cringing too Altars, turning Communion-Tables into Altars, ^{ster Stubbs} or placing and rayling them in Altarwise at the East-End of the Church, or preaching that the Sacraments and preaching ought to be ^{his anatomy} of abuses and ^{of alarum} for hand in hand, the one being in manner dumbe without the other; to England. that Bishops and Ministers in the primitive Church were usually ^{Master Iohn} elected by the whole Cleargy and people ^{Norrbrooke} (a truth most cleare and in his Trea- undeniable,) that a wounded conscience is such a tender thing, that ^{enterludes,} it cannot beare the weight of 3. Steeples on it; that Christians ought playes and to avoyd ill Company as dangerous, since Peter being in the company dauncing, of the High-Preists Servants denied his Master, and the like, and other neither crimes nor errors? yet Master Workman, Master vaine and Ward, Master Wilson, Master Brodet, and other Ministers idle have beene lately fined, censured, deprived, or suspended for Pastimes, these capitall, exorbitant offences, and put by their Ministry: In and Hum- a word, there is scarce one fine, or sentence given in the High- phry Roberts his com- Commission; but is directly contrary to Magna Charta, the plaints for Law of the Land, and all the forecited statutes. reformation,

To make this undeniable, it is and must be confessed on all of divers abuses and bands.

1. First, p That no Ecclesiasticall Judge, or person could by prophana- the Common Law of the Realme, either fine, or imprison any man tions on the for any Ecclesiasticall offence or breach of any Canons, which being Sabbath- day. Ecclesiasticall, can prescribe no temporall, but onely Ecclesiasticall ^{Sec Cata-} punishments and censures? ^{log testum,}

2. Secondly, That no q man can be fined, or imprisoned in ^{1562.} Appendix, p. 33. to 56

and Gersonius Bucerius De Gubernat. Eccles. and Fox Acts and Monuments, p. 1109.

Artic. Cler. c. 1. 2. 3. 4. 5. R. 2. c. 5. 2. H. 4. c. 15. 2. H. 5. c. 7. 23. H. 8. c. 9. 25. H. 8. c. 14. 31. H. 8. c. 14. 34. H. 8. c. 1. 1. H. 7. c. 4. Lindenwood lib. 3. De pœnis fol. 231.

232 and the writs, De excommunicato capiendo, and Apostata capiendo, resolve as much,

§ 5. R. 2. c. 5. 2. H. 4. c. 15. 2. H. 5. c. 7. 1. H. 7. c. 4.

any case what soever of Ecclesiasticall Comfians, by any Ecclesiasticall Judge, unlesse some Act of Parliament, give that Judge particular power to fine and imprison in those particular cases.

3. Thirdly, That the power of fining and imprisonment, given to Ecclesiasticall Judges, in one particular case or two onely, cannot be extended by equity to any other *r* all penall Statutes, being ever to be taken strictly for the Subjects liberty and ease.

r Plowden,
f. 17. 86.
124. 19.
H. 6. 47.
Brooke

Treason, 8.
12. 21.
H. 7. 21.

4. Fourthly, That the Statute of 1. Elizabeth c. 1. by restoring and uniting the ancient Ecclesiasticall Jurisdiction to the Crowne, and giving the King power to delegate it over, by his Letters Patents to Commissioners to execute it, did neither alter nor intent to alter either the nature or punishment, of Ecclesiasticall offences, so as to make them temporall and punishable by fine and imprisonment. (which are truly and meerely temporall and not Ecclesiasticall Censures,

* That the Statute of 1. Eliz. c. 1. gives the High-Com-

missioners no power to fine or imprison. 26. H. 8. c. 1. 1. Eliz. c. 1. 8. Eliz. c. 1.

* but left them Ecclesiasticall to be proceeded against, by Ecclesiasticall process and censures onely, as before the making of that Act, not by fine and imprisonment, which I shall make cleare by these ensuing reasons.

1. First, Because the Statute unites to the Crowne onely, such Jurisdictions, Priviledges, Superiorities, and Preheminencies, Spirituall and Ecclesiasticall, as by any Spirituall and Ecclesiasticall power or authority had heretofore beene, or might lawfully be exercised, or used for the Visitation of the Ecclesiasticall State, and persons, and for the reformation, Order, and correction of the same, &c. So that, nothing but bare Ecclesiasticall power in cases meerely Ecclesiasticall, and such as had beene before that time lawfully exercised, and used by Ecclesiasticall power and persons, is united to the Crowne in such maner and forme onely as Ecclesiasticall persons used it. This meer Ecclesiasticall power thus united the Statute, authorizeth the Queene and her Successors to delegate by Letters Patents to such naturall borne Subjects, who shall exercise, use and execute under them all maner of Jurisdictions,

Privi-

Priviledges or Preheminences touching or concerning any Ecclesiastical (not temporall) Jurisdiction; and shall visit, reforme, correct, &c. all such Errors so as by any maner spiritual or Ecclesiastical power, (not temporall) authority or Jurisdiction can or may be lawfully reformed, &c. And that after the said Letters Patents to them made and delivered. Then they shall have full power &c. to exercise, use and execute all the premises, (that is, all maner of Jurisdiccions, priviledges, and preheminences, spirituall and Ecclesiastical) according to the tenor and effect of the said Letters Patents, that is, for such and so long time, for such and such precincts, at such convenient seasons and places, and for such offences, Errors and misdemeanours, as shall be contained in the Letters Patents; And that according to the Ecclesiastical Law and maner of proceedings and Censures, (as is cleare by the precedent words) not in such an arbitrary course of violent and unjust proceedings by Pursuivants, attachments, fines, imprisonments, and the like, as the Prelates by their policy, power and flattery, shall at any time procure to be inserted into their Commission, as they now most absurdly interpret it; for that we are not to delegate or exercise an Ecclesiastical, but a mere temporall Jurisdiction, never lawfully exercised before by any Ecclesiastical power or authority. And if the King should insert into his Patents, that the Commissioners might at their discretions censurement to be banished, whipped, pilloted, branded, dismembered, burned, executed, or t^e at they should forfeit their lands or goods for Ecclesiastical offences, (which hee may as lawfully doe, as that t^e ey shall be fined, or imprisoned,) these proceedings should be thought lawfull, and warranted by this last clause: (According to the tenor and effect of the said Letters Patents,) which no man in his right senses dare affirme.

2. Secondly: There is not one sillable in all this clause, concerning the Delegation of the Kings Ecclesiastical power, touching, fining, imprisoning, or inflicting any other tempo-

all punishments upon the Subjects for Ecclesiasticall offences. Therefore doubtlesse no intendment of the Law-makers, that they should be punished in this maner; who would have declared as much in expresse words, at least, had they intended any such proceedings; neither shall the liberty of the Subjects, persons, or goods, against imprisonment and illegall fines, raised by *Magna Charta*, and the fore-named Statutes, in expresse termes be taken away by this Statute; onely by strained interpretations and intendements, without any expresse words at all.

3. *Thirdly*, This very Act before this clause, repeals the bloody Law of 2. H. 4. c. 15. revived by *Queene Mary*; authorizing ordinaries and others to imprison, fine, and proceed against men *Ex officio*, by selfe accusing, Oathes and captions enforcing Articles and interrogatories to entrap them. (So the Statute of 25. H. 8. c. 14. brands them,) of that, which they called and deemed heresie, and false Doctrine, as an unjust, bloody and rannicall Law, (so *Master u Fox*, oftentimes styles it,) upon which all the Martyrs in martyrs dayes were butchered by the Prelates: Therefore certainly it would never revive the same proceedings, oathes and censures by implication onely, which is expressly repealed in the former branch.

u Acts and
Monuments:
p. 481. 482.
539. 997.
956. 957.
960.

4. *Fourthly*, It cannot possibly be intended, that this Parliament in the first year of *Queene Elizabeth*, so soone after the Marian persecution, should in the very first Act they made increase the penalties of Ecclesiasticall offences, and make them more penall to the Subjects then for mercy they were, in *Queene Maries* dayes, by making them liable to Ecclesiasticall and temporall Censures, both at once, when as before all of them, (except what they made and interpreted to be heresie and scisme,) were onely punished with Ecclesiasticall Censures, and to give the Prelates and every Ecclesiasticall Commissioners more power over the Subjects then ever the Pope; (whose authority they abolished by this Act) did formerly exercise and injoy.

6.
dictio
from
dent
perce

For this had been nothing else, but to shake of a lighter yoke of bondage from the subjects necks, to put on an heavier; to erect a new Starchamber for Ecclesiasticall offences; to set up many Popes whilst they banished one, and to punish one offence twice, by inflicting at one and the selfe time in the same Court, both temporall and spirituall Censures. Therefore questionlesse these Ecclesiasticall errors and offences, were not intended by them to be punished by fine or imprisonment.

x See Petrus

Bertrandus.

- **Educative E-**

சிவசுந்தரி

Psychoporus, De
exigine. 83

origine ©
 also Janif

WJH Int'l -

dictionum,

and Henry

Lord Staf.

ford of the

true diffe-

rence be:

Intensive research

and Eccla-

6-01104

Magically

power, King

Edgers Orat.

Fox Ads 3

Monuments

2.153. Sch

deni ad Ead-

metrum

Nov. 26

NOTE 20.
H. 8. 2.

H. S. C. 1.

Cooke S.

Report.

Candries

case, Sir John

Davis bs

Griff Re-

corrupt the wife

of Premium

1999

NYC.

never confounded together : It cannot therefore be conjectured that it would unite and confound them both together, in our Prelates and Ecclesiasticall Commissioners in correcting Ecclesiasticall offences by temporall and Ecclesiasticall processe, censures, and proceedings both at once?

7. *Seaventhly*, This Statute gives the *Queene and her Successors* the selfsame Jurisdiction, power and authority, as the Statute of 26. H. 8. c. 1. did to King Henry the 8. and his Commissioners ; But King Henry and his Visitators, his Commissioners proceeded onely by Ecclesiasticall Censures against delinquents, not by temporall, as is cleare by the very words of 37. H. 8. c. 17. Therefore the *Queenes and her Successors* by vertue of this Statute ought to doe so now.

8. *Eghthly*, The Statutes of 13. Eliz. c. 12. & 3. Jacobi. c. 4. 5. expressly rancke the Commissioners in causes Ecclesiasticall in equipage with Archbishops, Bishops, and other Ecclesiasticall Judges, providing, that they may inflict Ecclesiasticall Censures, according to the Ecclesiasticall Law upon Ministers, who offend against the 39. Articles and recustomes to, notwithstanding temporall Censures and penalties to be inflicted on them by temporall Judges and Justices ; putting the Ecclesiasticall Commissioners in opposition to temporall Judges, and confining them expressly to Ecclesiasticall Censures ; not one Statute so much as intimating that they can fine, imprison, or inflict any other temporall Censures ; not giving them power so to doe. These Acts therefore, compared with the severall Statutes of 37. H. 8. c. 17. 1. Ed. 6. c. 2. 2. & 3. Edw. 6. c. 1. 13. 19. 23. 3. & 4. Edw. 6. c. 10. 11. 5. & 6. E. 6. c. 1. 2. 3. 4. 1. M. Sess. 2. c. 2. 3. 1. & 2. P. & M. c. 6. 8. 1. Eliz. c. 2. 5. Eliz. c. 1. 23. 8. Eliz. c. 1. 13. Eliz. c. 8. 18. Eliz. c. 10. 23. Eliz. c. 1. 31. Eliz. c. 6. 4. Jacobi. c. 5. 1. Car. c. 1. 3. Car. c. 1. which expressly distinguish betweene temporall and Ecclesiasticall Censures and Jurisdictions; appropriating the first, onely to temporall Judges and Magistrates,

the order to Ecclesiastical, are a direct resolution, that the High-Commissioners and Spiritual Judges, can neither fine, nor imprison his Majesties Subjects for Ecclesiastical offences, by virtue of the Statute of 1. Eliz. c. 1. but onely proceed by Ecclesiastical Proceſſe and Censures of the Church; and that this Act leaves all Ecclesiastical offences and proceedings, as it found them without any alteration.

9. Ninthly, The Statute of Magna Charta c. 20. and others forecited, expressly resolve, that no man shall be imprisoned, fined, outlawed, destroyed, or outed of his freehold, goods, and chaties, but by the Law of the Land. The Law of the Land therefore being that Ecclesiastical Judges and Commissioners can fine or imprison, no free man for Ecclesiastical offences, contempts, or breach of Ecclesiastical Constitutions, Canons, Ceremonies, Orders, Injunctions, unless some Act of Parliament in expresse termes prescribes, and gives them such power. This Statute of 1. Eliz. c. 1. which speaks not one syllable, that Ecclesiastical Commissioners shall fine, or imprison any man for Ecclesiastical misdemeanors, not punishable by fine or imprisonment before this Act, shall not by a mere wrested inference and implication, be interpreted or strained so farre, as to give them such a power, in opposition to Magna Charta, and all the former positive Lawes; The rather, \S 42. Aff. 12. \S 38. Aff. 32. Imprisonment Br. 100. 8. E. 4. 14. 6. E. 4. 9. 39. E. 3. 7. 1. H. 7. 4. Fitz. Monstrance De Fautes 132. 2. H. 5. 5. 6. Dier. 475. Cook. 7. Report. fol. 20. and 8. f. 117. to 121. and C. 11. f. 52. and Tr. 3. Caroli. B. Rex. The case of the Towne of Boston are expressly resolved, that no Corporation or company can prescribe or make By-Lawes, to imprison any man, because it is contrary to Magna Charta; and that Commissions, to arrest or imprison men, are voyd in Law, because no man ought to be arrested, but upon Inditement, suite of the party, or other due proceſſe of Law.

10. Tenibly, All Ecclesiasticall proceedings and Censures whatsoever in criminall causes are onely, pro Salute animæ & reformatione morum; as is resolved, *C. 5. C. Report. f. 6. a. Cawdries case*, which is effected by excommunications and penance, which punish the Soules, not by fine and imprisonment, which punish onely the purses and Bodies of delinquents. This Statute therefore being principally made for the reformation of mens Soules and maners by Ecclesiasticall Censures, as is resolved in *Cawdries case*, shall not be extended to fines and imprisonments, which are but corporall Censures.

11. Finally, The lower house of Parliament, in 3. and 7. Jacobi; and in many Parliaments since, have resolved, that the High-Commissioners fining, and imprisonment for Ecclesiasticall offences, (which are not ordered to be so punished by expresse Statutes, yet in force, by spirituall Iudges and ordinaries) is an intollerable greivance, oppression, and vexation, not warranted by the Statute of 1. Eliz. c. 11. which gives them no such power, but so proceed onely by Ecclesiasticall processs and Censures; Sir Edward Cooke, and the rest of the Iudges in their Conference with the Prelates before King James, and in their Declaration of the true grounds of their prohibitions to the High-Commissioners, composed, and committed to writing by his Majesties Fathers command, about the ninth year of his Raigne, delivered their Iudgements and resolutions, accordingly in direct termes, that the High-Commissioners could fine in no case, and imprison onely in case of heresie, and incontinency of Ministers, and that by way of Censure after conviction, not of proces before it, as the discourse it selfe (which is common) witnesseth at large.

These particulars being thus premised and proved, it is apparant * that the High-Commissioners cannot legally by the Law of the Land, impose any fine at all on any delinquents for any Ecclesiasticall offence whatsoever, because neither the Canon, nor any Statute Law whatsoever, now, or then in force,

* See An.
Metini
Celse Com-
missions, A.
mathomia.

force, gives them, or any Ecclesiasticall Iudge, power to fine, or amerce any man for any such offence. And that they can imprison in no cases, but onely of incontinency of Ministers, and of heresie, in which two cases Ecclesiasticall Iudges have power to imprison, by the Statutes of 1. H. 7. c. 8. and 25. H. 8. c. 14.) but in no other, that I can finde in any Statutes, no not in cases of fighting and quarrelling in Churches, or Churchyardes, Adultery, incest, Simony, Bialphemy, Drunckennesse, Vsfury, Inconformity, and the like; which they may punish with Excommunications, or other Ecclesiasticall Censures, and by deprivation, perchance in Ministers, but not by fine or imprisonment, (as they now dayly doe) which is cleare by the Statutes of 5. and 6. of E. 6. c. 4. 37. H. 8. c. 17. 1. Eliz. c. 2. 13. Eliz. c. 8. 12. 31. Eliz. c. 6. 23. Eliz. c. 1. 3. Jacobi c. 4. 5. 4. Jac. c. 5. and other forecited Acts, and that this is no private opinion of my owne, but a generally received truth, I shall besides the resolution of the Parliament 7. Jacobi, and of many Parliaments both before and since, and of the Iudges forementioned, cite some particular Iudgements in point, Mich. 9. and 10. Eliz. in the C. B. rei. 1556. (which in 10. yeares after the Statutes first made, which erects the High Commission,) one Leigh an attorney of the Common Pleas, was committed by the High-Commissioners to the Fleet, because hee was present at a Masse, and refused to take an Oath to answer to Articles, which they would administer to him; whereupon hee brings a Habeas Corpus in the C. B. and by the resolution and advise of all the Iudges (some of which were present in Parliament, when this Act was made,) hee was bayled and discharged of his imprisonment; not onely, because hee was a necessary member of the Court, and so his attendanco could not be spared, but principally, because the High-Commissioners had no power by vertue of this Act, to imprison any man, euther for hearing Masse or refusing an Oath to accuse himselfe. * So Mich. 18. and *Dier. 175. 19. Eliz. One Hinde was committed prisoner, by the High-Com- B. In the missioners, for refusing to sweare, to answer Articles, exhibited against first edition. him for usury; whereupon hee brought an Habeas Corpus in the Com-

Common Pleas, and was discharged by the Judges; because the High-Commissioners have no power given them by the Statute to imprison any man, either for refusing to take an Oath, (which the Statute gives them no authority to administer,) nor yet for usury it self, both which cases are reported by the Lord Dyer, then cheife Iustice of that Court, and printed in the first edition of his reports, though, (I know not by whose procurement,) omitted in the last editions of them. Anno 42. Eliz. in *Simpson's* case forecited, it was resolved upon mature deliberation by all the Judges of England, that the High-Commissioners had no power at all by the Statute of 1. Eliz. c. 1. to arrest any man by Pursuant, or warrant, or to attach his bodies appeare and bring it before them, either by the Sheriffe, Constable or a messenger, nor to imprison any one for adultery, but that they ought to proceed only by Ecclesiasticall processe and Censures: notwithstanding their Commission to arrest and imprison men; which being not warranted by the Statute is voyd as to this particular. And hereupon *Simpson* indicted of wilfull murder, for pistoling *Johnson*, who came in ayd of the Constable of Alderington to arrest *Simpson*, by a warrant from the High-Commissioners, for committing adultery with *Falstis* wife, was acquitted and found not guilty by Judges speciall direction to the Jury. Anno 3. Iacobi, one *Berry* was committed by the High-Commissioners, for irreverend speeches and sawcy carriage to *Doctor Newman*, whereupon hee brought an *Habeas Corpus* in the Kings Bench at Westminster, and was discharged by the Court, both for the generality of the returne, and because the Commissioners have no power by the Statute, to commit any man for irreverend speeches or carriage to his Minister, though it be a misdemeanor: And the Court in this case resolved further, that whereas the Commissioners usually tooke bond of those who were cited to appeare before them to answer to such interrogatories, which shall be administered to them, before they have seene their Articles, that all such obligations are voyd in Law: (and all Oathes *Ex officio* too by the selfe same reason) neither have they power to require or take such bonds (much lesse then such oathes) of any by this Statute. Anno 11. Iacobi, one *Brooke* at

Herault

He
miss
joynt
Kin
miss
Al
not b
Iaco
the E
Pur
tion
Rex
could
Art
was t
Hav
man
tery.
12.
that t
answer
cases o
gr.
servant
hee sho
Norfo
Custod
men,
the pris
ruled to
Hunty
missome
words to
sing to p
owed Ca

Herault at Armes, was committed to the Fleet by the High Commissioners for refusing to pay such Alemony to his wife, as they enjoined him: whereupon hee brought an Habeas Corpus in the Kings bench, and was discharged by the Court, because the Commissioners have no power by the Statute of 1. Eli. c. 1. to grant Alemony to discontended wives, and if they had, yet they could not by Law imprison any man, that refused to pay it. An. 6. Jacobi B. Rex, it was resolved in one Master Withers case, that the High-Commissioners could not arrest, or attach men by their Pursuivants, but ought to proceed by Citation and Excommunication, onely as other Ecclesiasticall Courts doe. Tr. 7. Jacobi B. Rex, in Warringtons case, it was resolved, that the Commissioners could not imprison any man for refusing to take an Oath to answer to Articles, or for hearing of Masse; and the party so committed, was thereupon bayled. 7. Jacobi. C. B. it was adjudged in one Hawes case, that the High-Commissioners could not imprison a man, for refusing to obey the sentence of his ordinary in case of adultery. Pasche 8. Jacobi B. Rex. *Meltons* case, and 12. Jacobi B. Rex. *Bradstones* case, it was resolved that the Commissioners could not commit men, for refusing to answer Articles, or to give bond to pay expences, or obey orders in cases of Alemony, betweene man and wife, Hill. 3. Caroli. B. Regis. One Lucas was detained close prisoner, in the howse of a Pursuivant, belonging to the High-Commissioners by their order, untill hee should pay 3. p. 13. s. 4. d. for the Pursuivants journey into Norfolk, and 6. s. 8. d. every day, that hee had beene in his Custody, (the usuall fees, they now demaund and take of all men,) whereupon a Habeas Corpus was prayed and granted to the prisoner discharged voluntarily by the Pursuivant, and the fees ruled to be excessive, Hill. 3. Caroli B. Rex, *Muste George Huntly*, a Kentish Minister, was committed by the High-Commissioners, and fined by sentence of the Court, for giving contemptuous words to the Archdeacon, charging him with injustice, and refusing to preach a Visitation Sermon upon his command, to whom hee owed Canonically obedience, and other contempts to the Archbishop

of Canterbury himselfe . as was pretended, whereupon hee brought his Habeas Corpus; the Judges upon the Archbishops solicitation, would not then bayle him, (though bound by Law and Justice to doe it) unlesse hee would promise to submit to the High-Commissioners, which hee refused standing upon the innocency of his cause to doe. After this Hil. 4. Caroli. hee brings there another Habeas Corpus, Sericant Hesley and Master Calthrop his Councell, prayed that he might be bayled. 1. Because his refusall to preach a Visitation Sermon upon the Archdeacons command, was no breach of Canonick obedience, no Law or Canon requiring it. 2. Because the offences pretended, are not within the statute of 1. Eliz. c. 1. and if they were, yet the statute gives them no power at all to fine or imprison, but onely to proceed by Ecclesiasticall Censures; whereupon hee was bayled at the Court. But loe the intollerable insolency of the Prelates, and their most contemptuous execrable affronting of Justice: (the like whereof was never offered to the King and his Iudges in any age, deserving at the least a *Premunire*,) no sooner was this poore oppressed Minister bayled & released by the Court, but the Purservants by a new warrant frō the Commissioners, as he was going frō the Barre, within the vew of the Court, apprehended him a fresh, & carried him over to Lambeth; where the Commissioners sitting the same afternoone, deprived him of his living, degraded him from his Ministry, imposed a great fine upon him, and committed him to a loathsome prison, onely because hee sought to free himselfe from their former oppressions, by an Habeas Corpus; a legall course of Justice for all oppressed Subjects. And presently after, one Master Austen, the Archbishops Chaplaine, was presented by him to his living. This poore distressed oppressed Minister hereupon indeavours to right himselfe by a course of Law; for which purpose hee brings an *Ejectione Fami* against Master Austen in the Kings bench, to recover his benefice; and an *Action of false imprisonment* against the High-Commissioners and their officers (who deserved a more severer proceeding of another nature, or affronting the King and his Iudges in their execution of Justice, and releife of an over injured Subject.) In which actions the Prelates and Commissioners by their

their mighty power have the 5. or 6. yeares together delayed him. And I know not upon what quirks and underhand doing got them discontinued by reason of the infinite delays and adjournments, and some negligence in the Clerks, in entering the continuances. Since which hee hath brought new actions againe, wherein they tire him out with new delays; and have so farre prevayled by their power with the Iudges, that they will neither assigne him Councell to argue his cause, neither appoint him any set day for the argument of his action of false imprisonment, (which they now pretend is discontinued;) shifting him of with delays, contrary to the expresse letter of *u Magna Charta*, *u Chap. 29.* Wee shall sell to no man, wee shall denie or deserve to no man, either justice or right, and to the Iudges *x owne Oathes*, yee shall give *x 18. E. 3. Stat. 5.* that yee shall doe even Law and execution of right to all the Kings Subjects, rich and poore without having regard to any person, and that yee deny to no man common right, by the Kings Letters, nor none other mans, nor for none other cause, and in case any Letters come to you contrary to the Law, (as to many Letters and messages how doe,) that yee doe nothing by such Letters, but certifie the King thereof, and goe forth to doe the Law, notwithstanding the same Letters; which now few Iudges doe, or dare to doe; out of a fordid slavish feare of I know not whom or what; I am sure not of God, who requires Iudges, *† Exod. 18. 21. Lev. 19. 15. Deutr. 1. 16. 17. c. 16. 18. 19. 20.* that so they may not feare the threats or frownes of men. And by reason the swaying Prelates, and Iudges are so farre engarged against this distressed creature, as to brow-beat all his Councell for his sake, hee is now so destitute of all Councell, that Iudges refusing to assigne him any, that he can procure no man cordially to plead his cause, (a great shame to the honourable profession of the Law) but is inforced to moove the Court him selfe, and to intreate them that he may have liberty to argue his owne cause. All which extreimity this poore afflicted Minister hath undergone for almost 9. yeares space together, without any respiration, to the utter ruine of his estate, the enfeebling of his person, through penury and long imprisonment, *only for re-*

y Lindewood
Constit. l. i.
Tit. De of-
ficio Arch-
diaconi.

using to preach a visitation Sermon upon the Archdeacons com-
maund, (whoby y the Canons and Custome of the Church is
bound to preach himselfe,) because of a present sicknes, then upon
him, and the shortnes of the warning, in regard of both, which hee
desired to be excused, I rooꝝ to the Archdeacon, to procure an-
other, to supply his place, who would not accept of his money, or just
excuses, but injoynd him to preach in person; which hee not
doing for the forementioned reasons, was convented before the High-
Commissioners, and for this cause alone, and no other thus handled,
as I have truly and impartially related. And are these proceed-
ings censures thinke you (which every just and upright man
must needs tremble and stand amazed at, and I trust his Majesty
out of his most gracious Royall Iustice will now lay to hart)
agreeable to the forecited statutes, the Law of the Land, or
tollerable among Christians? God forbid; that any Christian
or morall beathen man should deeme them so. To conclude
this point: The Iudges of the C. B. & Caroli, in case of a Balie
prosecuted in the High-Commission, for disturbing and arresting
of a Minister in the Church, in the time of Divine Service, con-
trary to the statutes, of 5. & 6. Ed. 6. c. 4. resolved, Una voce,
that the High-Commissioners could neither fine, nor imprison the
party, for this misdemeanour, but onely excommunicate and injoyne
him Ecclesiasticall Penance. And Judge Hutton and Yelverton at
that time, in my owne hearing, gave order to the parties Councell to
insert this clause into his prohibition to the Commissioners, that they
should not proceed to fine or imprison him; and if they did, the
whole Court protested it was against the Law; and that upon a mo-
tion of his Councell, they would free him. By all which Rea-
sons, Statutes, Resolutions, and Authorities, both of the Com-
mons-Howse of Parliament, the Iudges of the Kings Bench, and
Common-pleas, in Queene Elizabeths, King Iames, and King
Charles severall raignes, (till the domineering humour of our
present great swaying Prelates, I know not by what Law, or
Iustice, stopped the currant both of Prohibitions, and Habeas
Corpus, to releife the Subjects, against their unjust vexations
fines,

sides, imprisonments,) it is apparant, that the High-Commissioners can fine in no case, and imprison onely in two cases, and so all their fines, most of their imprisonments, are meere oppressions of the Subjects, encroachments on their Liberties, therefore voyd in Law: In so much, that an *Action of false imprisonment*, and of the Case too, grounded upon the former statutes, will lye against them for it, at the Common Law, if not a *Premunure*. But admit, they had power to impose fines, for Ecclesiasticall offences, which I absolutely deny: yet then they ought to fine men, not [†] *tenthousands, thousands or hundreds*, as now they doe, for meere toyes and trifles, yea for small or no offences, to the utter ruine of their estates, losse of their freeholds, and ruine of themselves, and their families; but according to the quantity onely of their offences, if they be small, and for a great fault, after the maner thereof; saving still to the parties, their contentment, or freehold, to villanies their waynage, and to Marchants their Marchandise; neither ought any man of the Church to be fined, after the rate of his spirituall benefice, but after his lay tement, and the quantity of his trespassse, by the expresse statutes of *Magna Charta c. 14. and 3. Edw. 1. c. 6.* And if they excessively fine, or amerce any, contrary to those Lawes, & a writ of *moderata Bre. fol. 75.* misericordia, or *Action of the Case* upon those statutes, lies for their releife; the Law having this just and favourable respect to all men, that in all offences, not capitall, for which the life and by consequence the estate to support it, are both forfeited on the attainer; (the delinquents in such cases, needing no livelyhood, to sustaine them, their lives being presently to be lost in Iudgement of Law,) it ever allowes men, both the use of their callings, with asufficient stocke to follow them, both for their present maintenance, preservation, and the publike good; which our Prelates disrespecting, fine men beyond all bounds and moderation in all Courts of Iustice where they come, without any pity, mercy or respect to mens necessities, freeholds, and the publike good; putting many men, (especially Ministers, of their owne coate who are most conscionable and painefull,) both

† So much
was Sir Giles
Allington
fined.

2 Fitz. Nat.
Bre. fol. 75.
76. 10. E. 2
Action sur
stat 34. 17.
E. 2. Process.
§ 204.
10. E. 3.
14. H. 4.
Anno 1555.
60. 155.

from their callings, meanes, freeholds, to their destruction, which I am certaine by Law they cannot doe?

An answer
to the Bps
& High-
Commissio-
ners obje-
ctions in de-
fence of
their fining,
imprisoning,
and Ex of-
ficio proce-
dings.

All that our Prelates can now alleadge for excuse of these their illegall exorbitant proceedings, not sufferable amongst Christians, is but this;

1. *First*, That they have a commission from his Majesty, authorizing these their proceedings and censures.

2. *Secondly*, That their Predecessors usually proceeded, fined, imprisoned thus before themselves, and they doe but tread in their footsteps.

3. *Thirdly*, That the Starchamber examines men in criminal causes upon oath, and fines, and imprisons men to; Ergo they may doe it.

Ans^r 1. To the first of these, I answer; *First*, that their Commission it selfe warrants not sundry of their extravagant arbitrary censures and proceedings, though it be very large.

2. *Secondly*, That the largenes of their Commission, is not by any direction from his Majesty, or his Councell, but by their owne sollicitation, fraud and procurement, many passages and clauses being inserted into the two last Commissions, which were not in the former; and some of them so unlimited and illegall, that *Master Noy*, the late Kings Atturney, made a *quer* in the margin of his *Doclet*, for the last Commission, whether some of them were not so large and unfit to passe the Seale.

3. *Thirdly*, This Commission thus procured either fraudently, or with strange hande by themselves, is directly against the Lawes and statutes of the Realme, not warranted by 1. E. 1. c. 1. therefore voyd in law, and these their proceedings, illegall

on, which illegall, unjust; oppressive, notwithstanding the Commission;
 we read of Saul, & that hee breathing out threatenings, and
 laughter against the Disciples of the Lord, went to the High-
 Priest, and desired of him Letters, (or a Commission,) to Da-
 mascus, that if hee found any of this way, whether they were men
 or women, hee might bring them bound into Hierusalem; (as our
 High-Commission Pursuants serve Gods people now;) which
 Commission hee obtained. But yet this was no ^{† 1. Tim. 1.} excuse or justi-
 fication of his persecution of Gods Saints; No more are your ^{13. 15 Gal.}
 Commissions sued for by your selves, any plea to extenuate ^{1. 13. Acts.}
 or defend your persecutions, oppressions, and exorbitances. ^{22. 4. c. 9.}
 The Iewes cryed out against our Saviour, a that they had a Law, ^{4. 5. Phil. 3.}
 and by that Law hee ought to dye; was Pilates condemnation, and ^{6.}
 their execution of him therefore lawfull? b David informes us ^{alobn. 19. 7}
 of a throne of iniquity, that hath no fellowship with God, which fra-
 meth mischeife by a Law or Commission. By vertue of which they
 gathered themselves together against the righteous, and condem-
 ned the innocent blond. But will this Commission justify their sinne?
 c The Elders of the City, who most unjustly condemned Naboth, ^{c 1. Kings.}
 had a Commission under Ahabs great Seale for their warrant, but ^{21. 8. 9 10}
 yet this was no extenuation, but a more greivous aggravation of
 their injustice and murder. d George the Arrian Bishop, and Ma-
 cedonius his confederate, had a Commission and the Emperors Edict
 to warrant their barbarous tyranny and proceedings, against the or-
 thodox Bishops and Christians, whom they imprisoned, fined, and ^{1. 2. c. 27.}
 butchered, yet this would not excuse their persecutions. e The like ^{28. 29. 30.}
 Commissions had Boner, and other our owne persecuting Prelates, ^{c Fox Acts &}
 in Henry the 8. and Queene Marias dayes; yet this would neither ^{Mon. passon.}
 justify nor extenuate, but aggravate their sinfulness, and illegality, ^{See 25. H.}
 of their bloody proceedings: But to come nearer home, ^{8. c. 14.}
 42. Aff. 5. & 12. Brooke Commissions, 3. 15. 16. it is resolved, that
 if the King grant a Commission to any man to imprison, or seise an-
 other mans person, or goods, before or without inditement, suite of
 lime party, or other due proceffe of Law, and thereupon the Commis-
 sioners accordingly arrest him or seise his goods; that this Com-
 mission

mission being voyd, and against the Law, can no wayes justifie, nor excuse the Commissioners; in the 1. and 2. yeare of our present Sovereigne King Charlas, there were divers Commissions granted out for the executing of Martiall Law, upon billeted Souldiers and Marriners, in times of peace, whiles the Kings Courts of justice were open; and likewise to convent men, concerning the Loans, and to administer an Oath, so such as refused to lend money; together with a Commission, for an excise upon divers Commodities; yet all the Commissions by the Petition of Right, and the whole Parliament, 3. Caroli, were adjudged to be against the Law of the Land, and Liberties of the Subjects, and so insufficient to justifie the proceedings, oathes, imprisonments, executions, grounded on them, or to excuse the parties, that executed them. If Empson and Dudley had a Commission from King Henry the seventh, for what they did, yet they were attainted in Parliament, and executed as Traitors by King Henry the eight, notwithstanding their Commission; how many Monopolists, (as Sir Giles Mompersons and others,) have beene severely punished in Parliaments, notwithstanding their Patents and Commissions? why then our High-Commissioners may not be lawfully, and justly fined, imprisoned, suspended in the Kings Bench, or Star Chamber, for fining, imprisoning, oppressing his Majesties Subjects, against all Law and Justice, notwithstanding their Commission, which will neither excuse, nor patronize their proceedings, either before God, or men, I cannot yet conjecture; and why an Action of the case, of false imprisonment, and a Premunire too, should not lye against them for the present, by the parties greived, I see little cause to question. Wee know that many Patents and Commissions, under the great Seale for * monopolies, are and have beene condemned, and adjudged, voyd, and suppressed, as great greivances and oppressions to the Subject, and contrary to the Lawes of the Realme, yea the Statute of 21. Jacobi. c. 3. against Monopolies, declares, that all Commissions, Grants, Licenses, Charters, Letters Patents, Proclamations, Inhibitions, Restraints, Warrants of assistance, erecting, or tending toward the erection of any monopolies,

fHalls Chro.
An 1. 2.

H. 8. f. 1. to
9. Speeds
Hist 1. 9.
c. 21.

p. 999.

*Cookes Re.
ports. l. 8.
f. 125. to
130. l. 10.
f. 113. l. 11
f. 53. 84. to
89.

are c
in no
the fa
in bee
with
cause b
the fa
impr
Com

vant
acco
at th
in Ba
Law
collat
have
privie
they
justif
coule
Judge
Law
and i
lates
into i
by the
2. c.
* Li
fined
sever
doe

A

are

are contrary to Law, and shall be utterly voyd, and of no effect, and in no wise to be put in ure or execution; and if any presume to execute the same, that an Action upon the statute shall be against him, where in hee shall render treble Damages to the parties greivd, notwithstanding his Letters Patents, or Commission, which will not excuse his fault: Therefore our High-Commissioners, may by the same reason be questioned and punished for their illegall imprisonments, fines and proceedings, notwithstanding their Commission.

Finally, It is a rule in Law, g that no man shall take advantage of his owne colusion, fraud, hurt, or wrong; b If a Bishop excommunicate another man, who brings an Action against him, at the Common Law, the Bishop cannot plead his excommunication in Barre of his Action, because pronounced by himselfe: The same Law holds in case of i remuters, discent, disseisins, and the like by collation or wrong, hee that is party or consenting to them, shall have no advantage by them. Our Prelates are all parties and privies in procuring this torcious illegall Commission, therefore they shall take no advantage by it, from it, to extenuate or justify their illegall proceedings, censures, oppressions, by couler of them; the rather, because, both the Parliament and Iudges have oft adjudged these their Commissions voyd in Law, and their proceedings on them, great greivances, pressures, and injustice, the statute of 2. H. 4. c. 15. k (made by the Prelates themselves, without the Commons assent, which they foisted into it,) resolves, that ordinaries and Ecclesiasticall Iudges, cannot by their Jurisdiction, spirituall imprison, which the statutes of 5. R. 2. c. 5. 2. H. 5. c. 7. & 1. H. 7. c. 4. further manifest; yea Lindewood himselfe determines, that a Layman cannot be imprisoned by an Ecclesiasticall Iudge, for any Ecclesiasticall crime whatsoever. Therefore no Commission can authorize them to doe it.

Ans^r. 2. To the second excuse, I answer, that by the like

B b

pretext

g Littleton
Sec^t 395.
b If a Bishop
Cooke's in-
stitutes, ibid.
Sec^t 200
410.
b 5. E. 3. 8.
8. E. 3. 70.
18. E. 3. 58
9. H. 7. 21.
Fitz. Ex-
com. 5. 9.
Cooke's In-
stit. 201.
i Littleton
Sec^t 678.
679. 688.
689. 690.
200. 395.
410. 203.
and Cooke
ibid
k Fox Acts &
Mon. p. 539
549. 481.
482.
* See Linde-
wood l. 5. De
Pann,
f. 232. a.

prerext, the Prelates may excuse almost any sin. Their Predecessors have ^l oft times beene Traytors, Rebels, Oppressors, Murderers, Persecutors, ambitious, covetous, proud, merciles, luxurious, lecherous, idle, Simmonaicall, Wolves, False-teachers, Non-residents, Pluralists, malicious, envious, revengfull, yea Pilates, Imposters, Devils incarnate, as ^m Sant Bernhard, and others stile them. Ergo, they may now be such by authority without offence; because they walke in their Predecessors steps, as to many of them truly doe. If this be no good consequent, then not the other.

I Tyndals daily practise of Popish Prelates. Henry Stalbridge his exhortatory Epistle. Fox Acts & Monuments p. 168. 169. 174. 175. 10250. 303. 320. 321. 350. 409. 410. 368. 10425. 431. 435. 436. 451. 10474. 495. 10546. 581. 10788. and elsewhere. in Ad Pastores & ad Clerum Sermo. in Fox Tyndall, Rhodoricke, Mors, Henry Stalbridge, the petitionner to Queene Elizabeth, and sundry others, forequoted, Dr. Rames his Supplic. to King Henry the 8. 25. H. 8. c. 14. o Lindwood l. 5. De Parnif. 23. 24.

Secondly, I answer, That these proceedings, and censures, of their Predecessors, have beene condemned, declaimed against as Antichristian, tyrannicall, illegall, barbarous, and inhumane by our Parliaments, our Iudges, our ⁿ writers, yea by Fathers, and others witnes, Origen in Epist. ad Romanos. l. 9. c. 13. tom. 3. fol. 212. who from these words, wilt thou not be afraid of the power, &c. makes this inference, From hence it appeares; that the secular Iudges of the world, doe fulfill the greatest part of the Law of God; For all crimes which God will have to be avenged, hee will have to be avenged, **NON PER AN TISTITES ET ECCLESIARUM PRINCIPES**, not by Bishops, and Governours of Churches, but by secular Iudges. And Paul knowing this, doth rightly name him the Minister of God. Sant Hilary, in the second Psalme p. 199. ¹⁰⁰⁰ demandes this question, What, had Paul any Civill power or magistracy, that hee should threaten a rod to the Corinthians, and that hee would come to the Church of Christ with the office of a Serieant, or Purservant? Verily, wee are not thus to imagine, yet our Lordly Prelates must have their Purservants and gailers attending them and their ^o prisons too.

The same Father in his Epistle to Auxentius proceeds thus :
 Have the Apostles assumed to themselves any dignity, or civil
 power from the Princes pallace? yea now the Church affrights men
 with banishments and imprisonments, and compels men to be com-
 mitted to her selfe, who was formerly committed to banishments and
 prisons. * Socrates Scholasticus, observes, that Cyrillus
 Bishop of Alexandria, and Boniface Bishop of Rome, *PAS-<sup>*Ecl. Hist.
l. 7. c. 7. 11.</sup>*
SING THE BOUNDS OF THEIR
PREISTLY ORDER, presumed to challenge them-
 selves secular power and authority, which none of their Predecessors,
 or any other Bishops did before them; taking upon them besides the
 oversight and Jurisdiction of the Clergy and Ecclesiasticall matters,
 the government also of temporall affaires, and secular Jurisdiction:
 in so much, that they shut up the Churches of the Novatians,
 spoiled them of their goods, and committed them to wars; yea Cy-
 rillus executed some of the Jewes in Alexandria, and banished the re-
 sidue of them for a murther, committed upon the Christians. All
 which this Historian taxeth in them, as a meere presumption, ex-
 ceeding the bounds of their preistly function, and a thing not formerly
 practised by any orthodox Bishops. Rupertus the Abbot, on Matth.
 l. 8. saith thus: The Rod of the Disciples of Christ is a rod of love:
 but the rod of domination or temporall rule, is not granted to the Mi-
 nisters of the Gospell of peace. * Petrus Blesensis, Archdeacon
 of Bath, writes thus to John B. shop of Worcester: Thou art set
 over mens soules, not their bodies: ** De Instit.
Episc. Tract.*
Nihil Prelato commu-
ne est cum Pilato: A Prelate hath nothing common with
 Pilate: and thence hee inferres, that they ought not to inter-
 meddle with any temporall affaires, or causes of blood, imprison-
 ments, demembrations, and the like. Anselme, Archb. shop of
 Canterbury, determines thus: * ** In Musb.
26.*
 As that, which belongs to the
 Ministeriall function, appertaines not to Kings: So neither ought a
 Bishop to exercise those things, which belong to the Kings, as the power
 of flogging and imprisonment doth. Our famous great Schoole-
 man * William Occam resolves thus: Christ hath interdicted
 his Apostles that domineering manner of governing, observed of the
 c. 4. 7. ** De Potesta.
Pont. qu. 1.*

Potentates of the world. And these two distinct powers, temporal and Ecclesiasticall, which God would have to belong to different persons, ought not to fall together unto one person: Whence he resolves, that neither the Pope, nor any other Prelate, ought to exercise any temporall Jurisdiction over the bodies of men. † *Mar-*
filinus Patavinus, prooves at large, that neither the Pope himselfe, nor any Bishop or Clergyman, hath, nor ought to have any coercive power at all over mens bodies, to fine or imprison them; it being directly prohibited by the Scripture in sundry places, and in *Matth.*

† Defensor
 Pacis, pars 2
 c. 15. 16.
 17. Sc.

* See Fox
 AEs and
 Mon. p. 399
 412.
 Thomas
 Walsingham
 Hyt. Angl.
 p. 205 302
 to 307.
 † Practise of
 Popish Pre-
 lates, p. 342
 343.

20. 25. 26. Our famous English Apostle * *John Wickliffe*, *Dialogorum*, l. 4. c. 15. 16. 17. 18. 26. 27. maintaines the selfsame Position, and prooves at large, that Bishops ought not to have any prisons, or to imprison any man, for any cause, nor yet to exercise any temporall power or Jurisdiction; and that it is a mortall sinne for them, to use any cruell dominion, or for Princes, to give them such authority, contrary to our Saviours expresse inhibition. Our famous Martyr † *Master Willam Tyndale* writes thus: That since Christs Kingdome is not of this world, or any of his Disciples may be other wise then hee was, therefore Christs Vicars, which minister his Kingdome here in his bodily absence, and have the oversight of his flocke, may be no Emperors, Kings, Dukes, Lords, Knights, temporall Judges, or any temporall Officers, or under false names have any such dominion, or minister any such office as requieth violence. The Officers in Christs Kingdome may have no temporall Dominion or Jurisdiction, nor execute any temporall authority or Law of violence, nor may have any like maner among them: Christs Kingdome is altogether spirituall, and the bearing of rule in it, is cleane contrary to the bearing of rule temporally. And therefore the * *Popes Kingdome* is of the world; For there every man reigneth over another with might, & have every ruler his prison, his jaylor, his chaines, his torments, even so much as the Friers observants observe that rule, and compell every man, other with violence, about the cruelties of the heathen tyrants. Our famous Martyr *John Frith*, in his answer to the Bishop of Rochester p. 57. concludes thus: To say that Christ would have his Dis-

* And by the
 same reason,
 our Prelates
 be derived
 from it, and
 so doing
 support it.

ciples to compell men with imprisonment, with futers, scourging,
 sword and fire (the learned Prelates best and canonists argu-
 ments to convince men,) is *VERT FALSE*, and furre
 from the mildnes of a Christian spirit, although my Lord approve
 it never so much. For Christ did forbid his Disciples such Tyranny,
 yea and rebuked them, because they would have desired, that
 fire should descend from heaven, to consume the Samaritanes, which
 would not receive Christ, Lu. 9. But hee commanded them, that
 if men would not receive their Doctrine, they should depart from
 thence, and sprinkle off the dust of their feete; to be a testimony
 against the unfaithfull, that they had bene there, and preached unto
 them the word of life. But with violence will God have no men compelled
 unto his Law. Finally, what doth the compulsion & violence, verily
 nothing, but make a strike Hypocrite, for no man can compell the heart
 to beleve a thing, except it see evidence and sufficient proofe. So
 Doctor Andrew Willet in his Synopsis Papismi, the 7. generall
 Controversie, Quest. 2. Sect. 3. p. 399. condemnes the Violence
 used by the popish Prelates, in imprisoning, torturing, and racking
 men to accuse themselves, or others, or confesse the truth: Which
 though in some dangerous cases, as of High-Treason and such like,
 where there is great perill of concealing the truth, and no other way
 to sift it out, it may be admitted; Yet to use it in an ordinary cause
 as the Papists did, and in causes of Religion, it is to shamefull, and
 OF ALL CHRISTIANS TO BE AB-
 HORRED. Master Andrew Melvill, in his excellent
 Anatomie of the High-Commission, printed 1620. prooves at
 large: That Bishops and Clergymen, neither as they are such, nor
 yet as High-Commissioners, or temporall Officers, can or ought to
 commit or imprison any man, because these being branches, onely
 of temporall Magistrates Jurisdiction, are expressly prohibited all
 Bishops and Ministers by our Saviours, Vos autem non sic:
 Matth. 20. 25. 26. both directly and indirectly, the inhibition
 being a universall negative, reaching to the persons as well as to the
 functions of Ministers and Prelates, whom Christ would not have

to intermeddle with any temporall office, or Jurisdiction, belonging to the temporall Magistrate, no more then hee would have temporall Magistrates to administer the Apostles, or Ministers office. And it will be a poore plea for Bishops, and other Clergymen at last, when Christ shall arraigne them, for breach of this oft reiterated commaund, to reply; that they imprisoned, fined, and perswaded his servants, and their fellow-Ministers, as they were High-Commissioners, Lords of the Councell, or Iustices of peace, (neither of which Christ ever made or allowed them to be,) not as they were Bishops, or Ministers: and if Christ condemne them for it, as such; I am afraid, they will hardly be saved, as they are Bishops or Ministers. Since therefore all these Fathers and writers, with infinite others, condemne your fining, and imprisoning of men, as directly contrary to Gods word, and Christs owne inhibition: pP. 68. 21. your walking in your Predecessors unlawfull ever condemned footsteps, is but a *p* going on still in wickednes, oppression, injustice, with an high hand against the Lawes of God, and the Realme; therefore an aggravation, not an extenuation of your offence, your sinne and desperate wickednes.

438. Aff. 32

42. Aff. 5.

12. Cooke 5.

Report. f. 81

and 7. Re-

port f. 20.

1. H. 7. 4.

6. E. 4. 9.

8. E. 4. 14.

39. E. 3. 7.

Regist. 273

Monstrans

De Faits

181 Brooke

Imprisonm.

100. and

Commissions

3 15. 16.

71 Eli. c. 1.

3. Thirdly, Your Ancestors fining, imprisonment, administering Oathes before sight of Articles, for men to accuse themselves, arresting men, breaking up their howses by Pill-levants, &c. being against *Magna Charta* and the *precedens statutes*, can make no good prescription; since no person or Corporation can prescribe to imprisonment, or make by-Lawes to imprison others, (no not the City of London it selfe,) because it is contrary to *Magna Charta*, as was adjudged in the case of *Boston*, upon a quo warranto, Tr. 3. Caroli. B. Rex an, oft times resolved before that case, in printed Law bookes. The Law therefore not allowing you doe any of these, you cannot plead prescription in them as a good title or Iustification; the rather, because the Ecclesiasticall Commission it selfe was erected within time of Memory, and the present commission is yet scarce 4. yeares old, and

and t
ever
med

4.
ther
grow
there
their
crable
site to
and g
erron
lucion

3.
upon
Ergo,

A
Non f

fastica
kept o

All
no rea
chambr

minall
and V

And t
chambr

and the
conspir
like: T
sure,
of Tr
judge

and the High-Commissioners fining and imprisoning, hath yet ever since it hath been used with one consent, beene declaimed against as illegall, and so oft adjudged.

4. Finally, The Commissioners and Prelates now exceed their Predecessors in all the forementioned extravagancies, growing every day more violent, exorbitant, and oppressive; therefore this fond excuse, will no wayes palliate or extenuate their illegall Actions, Censures, proceedings, which are execrable, abominable, both to God or man, diametrally opposite to all these wholesome statutes, intollerable oppressions, and greivances to his Majesties loyall Subjects, and so meerey erroneous and voyd in Law, by these forecited statutes resolution?

3. To the *Third*, That the Starchamber examines men upon Oath against themselves, and fines, and imprisons men: *Ergo*, the High-Commissioners may doe it.

Ans. 1. I answer, *First*, That the Argument is a meere *Non sequitur*: the one Court being Civill, the other Ecclesiasticall, both in respect of causes and proceedings, the one kept onely by an arbitrary Commission; the other absolute by *Act * of Parliament*. And if this be a good argument, I know * 3. H. 7. c. 1. See *Cromp-*
no reason, but every Bishop may inferre as well: The Starchamber can fine, imprison, examine men upon Oath, in criminall causes: Therefore wee may doe it in our Consistories of Courts, f 29. to 42.
and Visitations, which Conclusion is both false and absurd. And the High-Commissioners may as well argue, that the Starchamber adjudgeth men to * the Pillary, to loose their eares, * See *Cromp-*
and the like; and may punish all forgeries, perjuries, routs, riots, conspiracies, trespasses in parkes, subornation of perjury, and the like: Therefore the High-Commissioners may doe it. I am sure, they dare not argue thus; The Kings Bench can hold plea of Trespasse, Debt, Felonies, Murthers, Treasons, and adjudge men to death for the same; *Ergo*, the Ecclesiasticall Commissioners

missioners may doe it : This were but a freneticke consequent : Why not then the other ? Shall the Lords of the Starchamber argue thus ? The High-Commissioners may hold plea of all Ecclesiasticall offences, and punish men by excommunication, degradation, sequestration, and other Ecclesiasticall Censures; *Ergo*, we may much more doe it ? If the Prelates will not grant this consequence, as I presume they dare not : I must by the same, or farre better reason deny to grant the other.

But to give a more punctuall answer. *The statutes of 37. E. 3. c. 18. 38. E. 3. c. 9. 16. R. 2. c. 2. 3. H. 7. c. 1. 5. Eliz. c. 9. 14. if not the Common Law it selfe authorize the Starchamber to fine, imprison, and inflict other corporall punishments, in such cases, as are expressed in these Acts; as Master Crompton in his Jurisdiction of Courts, Tit. Court De Starchamber, f. 29. to 42. at large demonstrates. But no statute, much lesse the Common Law, gives the High-Commissioners any such power.*

2. Secondly, The Starchamber being a temporall Court, for the punishment of the highest temporall offences, which are not capitall, may inflict temporall censures and punishments,

*1. Eliz. c. 1. (as fines and imprisonment) on delinquents, yet they cannot
8. Eliz. c. 1. impose Ecclesiasticall. But the Commissioners (being & only
13. Eliz. c. 12 Ecclesiasticall Judges, in Ecclesiasticall causes, punishable by no
3. Jac. c. 4. 5 Common or statute Law, but by Ecclesiasticall Censures only,) can-
26. H. 8. not inflict temporall punishments, as fines and imprisonment,
c. 1. 37. no more then the Starchamber can Ecclesiasticall Censures, for
H. 8. c. 17. temporall offences; much lesse then, both temporall and Eccle-
and other siasiticall punishment for one and the selfe same offence, which
forecited sta- no Court of Iustice else can doe.
tutes.*

*The difference
betweene the
Starchamber
and High-
Com. oathes
proceedings.*

3. Thirdly, It is true, that the Starchamber useth to examine men in criminall causes upon Oath, and men are there bound, to put in their answers upon Oath, to the informations, and bills, exhibited against them; but then wee must consider,

I. First;

1. *First*, That no other Court of Iustice else can or doth use it, but the Starchamber onely; The Kings bench cannot examine felons, traytors, trespassers, or any persons indited, or informed against before them, nor yet compell them to answer upon Oath. The Chauncery, Exchequer-Chamber, Court of Wards, and Court of requests, though they inioine men in Civill causes onely, concerning the rights and properties of goods, and such like, to answer to English Bills upon Oath; yet they cannot doe it against; as hath bene adjudged: and though they use sometimes in cases of Contempts, and of them alone, to examine men upon Oath to Articles criminally objected against them, yet this is extrajudiciall, not warranted by Law; and the parties examined may lawfully refuse such Oath, and put the Court or party, whom it concernes, to proove the contempt by witnesses. If then neither, the Kings bench, Chauncery, or any other Court of Iustice, but the Starchamber onely, can examine men criminally upon Oath; I may better conclude, that the High-Commissioners cannot doe it, because no other Courts else, but the Starchamber can or doe ordinarily use it; Then our Prelates inferre, that they in the High-Commission may doe it, because the Starchamber ordinarily doth it, but no Courts besides.

2. *Secondly*, The Starchamber Iudges have authority (at leastwise some good couler of authority, thus to proceed, by the statutes of 3. H. 7. c. 1. and 21. H. 8. c. 20. which give them expresse power, to call delinquents before them by writ, or privy Seale, and them and other by their discretion, by whom the truth may be knowne; to examine, (to wit, upon Oath, as common practise hath interpreted it, though it be not expressed) where the Iudges in their discretions shall thinke meet: notwithstanding some learned Iudicious men have conceived, that this clause authorizeth not the Starchamber to examine delinquents criminally upon Oath, to accuse themselves, it being contrary to the Common statute, Canon Law, Scripture, and the proceedings,

Cc

both

both of the Jewes and Romans, as the Premises evidence, but onely without Oath, and none but witnesses, onely upon Oath.

But let this be interpreted as it may be, yet the Statute of 1. *Matthew*
Parv. Hist. Eliz. c. 1. gives the High-Commissioners no power at all, to
Major. administer any Oath, no not of Supremacy prescribed by it, much
 p. 693. 694. lesse to examine any man at their discretions upon Oath, for any
 705. *Regist.* Ecclesiasticall offence, there being no such clause, as this in
 pars. 2 f. 36. that Act; And by the Common and Statute Law & Ecclesiasticall
 b. 43. a. 50. Judges can administer an Oath to none in any criminall, or civil
 a. 95 b. 99. matters, but onely in cases of Matrimony and Testament: There-
 a. Rastall fore the High-Commissioners have no Law, nor couler of Law
 Prohibition. to administer Oathes to men, to answer criminall Articles to ac-
 § Fitz. nat. cuse themselves, though the Starchamber hath.
 Brev 41. A
 2. H. 5 c. 3.
 2. E. 6. c. 13.

Fullers Ar-

gument. The

Petition to

Queen Eliz.

Master

Morrice his

Treasure of

Oathes.

u Fox Acts

& Monum.

p. 539. 750

751. 753.

754. 764.

951. 956.

957. 960.

1224.

1225.

3. Thirdly, In the Starchamber, no man is forced to take an Oath, as soone as hee appeares to answer to the Bill, or Information exhibited against him, or to Articles framed on them, before hee seeth the Bill, or the charges therein comprized; neither is hee denied a Coppy of them, by which to frame his answer; nor proceeded against, without any Prosecutor assigned; neither is hee forced to answer, what hee thinkes or beleives, or how hee likes or dislikes things in his Judgement; or to " de-
 test and accuse others, (as all, or many are in the High-Commission;) But upon his apparance, hee hath liberty to take out a Coppy of the bill and complaints against him, to carry to his Counsell, to demurre in Law thereto without Oath, if there be cause; or otherwise to plead a generall not-guilty, and so put the prosecutors to their proofes by witnesses, without any selfe examination upon Articles; or else to put in such a particular answer as his Counsell shall advise and direct; upon the putting in whereof, hee onely takes an Oath, that it is a true answer; and to give a true answer to such Articles as hee shall be examined upon concerning the charges in the Bill, (being alwayes matters of fact, not thoughts) which hee knowes and adviseeth upon before hand, with his counsell. Which Articles, comprising nothing, but what

what is contained in the Bill, (* else the party may demurre and refuse to answer them,) hee needs give no other answer to them, what hee hath given before to the Bill by advise.

x See the Treatise of the Star-chamber, & ordinary experience which proves this true.

The Oathes and proceedings therefore of the Starchamber, being so farre different from those of the High-Commissioners, and farre more just and legall, then their * strange exorbitances, can be no justification of their legality, but a direct condemnation of them as altogether extravagant, unjust and illegall, as our Parliaments and Judges have ever reputed them, and all other men of common reason or honesty to, except themselves. To conclude this point of the High-Commissioners, and Bishops strange oppressions and proceedings, contrary to the fore-named statutes in all the recited particulars; y Register

* See And. Melvini Celsæ Commissionis Anatomia. y Register part 2. f. 125. &c.

I finde a notable President of a Commissioner of Oyer and Terminer, in the y Register, to inquire of the oppressions, cruelties, exactions, and exorbitances of the Bishop of Winchester and his Officers, exactly parralell with these of the High-Commissioners and our Prelates now, which will notably decipher them in their true coulers, and shew, how dishonourable, how contemptuous they are to the King himselfe, how pernicious to his Subjects: Rex Vicecomiti salutem, Exclamofis quærimoniis diverforum hominum de comitatu tuo ad nostram sapius pervenit auditum, quod A. Episcopus Win. nec non bellivi constabularij, & alij Ministri & servientes ipsius Episcopi, plurimas & diversas oppressiones, extortiones duritias, damna, excessus & gravamina, intollerabilia dictis hominibus, in diversis partibus comitatus prædicti, tam infra libertates quam extra multipliciter & diversimodè intulerunt, & de die in diem inferre non desistunt, plures de dictis hominibus vi & armis multotiens verberando, eosque capiendo, imprisonando, & in prifona forti & dura † super terram nudam

† So the High-Commissioner served many, especially Mr Haydon, Mr Brewer, and some Separatists of late, who refused the Oath Ex officio, whom they would not suffer to have any beds, fire, or other necessities.

⁊ Thus doe
 the Bishops
 and Com-
 missioners
 Pursuants,
 breake open,
 and ransacke
 mens bowes,
 studies, Clo-
 sets, Chests,
 take away
 their Bookes,
 writings,
 Papers, and
 if any sue
 them for it,
 they are clapt
 up in prison,
 and enforced
 to give over
 their actions.
 * Note that
 these proce-
 dings are
 dishonor &
 contempt to
 the King,
 the fountainne
 of Iustice.

nudam & absque alimento; fame, frigore, & nudi-
 tate ferè ad mortem cruciando, & eos in prisione
 huiusmodi, donec fines & redemptiones ad volunta-
 tem suam fecerint, nullo modò deliberari permitten-
 di; nec non ⁊ domos quorundam hominum huius-
 modi vi armata fraudendo, & bona & catella sua ca-
 pienda, & asportando, eosdemque uxores & ser-
 vientes suos verberando, vulnerando & male tractan-
 do, & hominibus super huiusmodi duritiis conquæri
 volentibus in tantum commando, quodd iidem homi-
 nes in hundredis & aliis curiis dicti Episcopi, vel alibi
 negocia sua inde prosequi metu mortis non sunt ausi
 & alia huiusmodi, mala damna, & excessus inhumani-
 ter in dies perpetrando, * *in nostri dedecus & con-
 temptum, & populi nostri partium prædictarum de-
 structionem & depreffionem manifestas unde plurimum
 conturbamur.* nos oppressiones duritias damna & ex-
 cessus, ac gravamina prædicta si perpetrata fuerint
 nolentes relinquere impunita, volentesque salvatio-
 ni & quieti dicti populi nostri in hac parte prospice-
 re, *ut tenemur*; assignavimus dilectis & fidelibus
 nostris &c. sciri poterit, de oppressionibus, extor-
 tionibus, duritiis, damnis, gravaminibus, prædictis,
 per dicti Episcopi ballivos, constabularios mini-
 stros & servientes suos & alios quoscunque de con-
 federatione sua in hac parte exsistentes qualitercun-
 que perpetratis; & de præmissis omnibus & singulis
 plenè veritatem, & ad quærelas omnium & singulo-
 rum pro nobis vel pro se ipsis inde conquæri & prose-
 qui volentium, nec non ad præmissa omnia & singu-
 la tam ad sectam nostram quàm aliorum, quorum-
 cunque

cunc
 & co
 cipin
 cora
 hom
 tra,
 pote
 Com
 our P
 huma
 and se
 jelties

2.
 1. Elis
 their
 tim Co
 claim
 situti
 monie
 essent
 to con
 clare,
 Artic
 Kings
 the P
 107
 Law
 peare
 36. E
 H. 8.
 c. 1.
 6. c.
 Eliz.

cunque audienda & terminanda, secundum legem.
& consuetudinē regni nostri Angliæ. Et ideo tibi præ-
cipimus, quodd ad certos, &c. tibi scire fac venire fac
coram, &c. quos &c. tot & tales probos, & legales
homines de balliva tua tam infra libertates quam ex-
tra, per quos rei veritas, in premissis melius sciri
poterit & inquiri. Et habeas &c. Whether the like
Commission be not meet to be now granted out, to inquire of
our Prelates and Ecclesiasticall Commissioners, barbarous in-
humane oppressions, cruelties and proceedings of this nature,
and severely to punish the same, I humbly submit to his Ma-
jesties and his Counsels grave considerations.

2. The Statutes of 25. H. 8. c. 14. 19. 21. 27. H. 8. c. 15. *Against Bps*
1. Eliz. c. 1. 2. 13. Eliz. c. 12. *utterly disable the whole Clergy in*
their Convocations and Synodes, and every Prelate in his Visitation
Consistory or Diocese, so much as to presume, to attempt, alledge, remonies,
claime, put in Ure, enact, promulge, or execute any Canons, Con-
stitutions, ordinances, provincially or Synodall, Rites, or Cere-
monies whatsoever, unlesse they may have the Kings most Royall
assent and licenses, under his great Seale, both to make and likewise
to confirme, promulge and execute the same. And they further de-
clare, that all Canons, Constitutions, Ceremonies, Rites, Orders,
Articles, made by the whole Clergy or any of them, without the
Kings speciall license, and confirmation under his great Seale, and
the Parliaments approbation too, are meere voyd, no wayes obliga-
to, and not be commonly accepted, received, or obeyed, as any
Law of God or man, within the Realme: which likewise ap-
peares by the severall statutes of .4. E. 1. c. 5. 20. H. 3. c. 9. p. 56. Bishop
36. E. 3. c. 8. 31. H. 8. c. 8. 14. 32. H. 8. c. 15. 26. 38. 34. Lewis Reply
H. 8. c. 1. 37. H. 8. c. 17. 1. E. 6. c. 1. 2. 9. 2. and 3. E. 6. to Harding.
c. 1. 13. 19. 21. 23. 3. and 4. E. 6. c. 10. 11. 12. 5. and 6. E. Divis. 24. Artic. 3.
6. c. 3. 4. 5. Eliz. c. 1. 8. Eliz. c. 1. 23. Eliz. c. 1. and 35. p. 142. An-
*Eliz. c. 1. Hence was it, * that when King Lucius sent to Brit. p.*

Pope Eleutherius, (upon his Communion to the Christian faith :) for the *Roman Lawes and Canons*, to governe the Church and Kingdome by; the Pope returned him this answer : Yee have received through Gods mercy in the Realme of Brittain, the Law and faith of Christ, yee have within the Realme, both the parts of the Scriptures. Out of them by Gods Grace **WITH THE COUNSELL OF YOUR REALME**, (to wit a Parliament, not your Bishops and Clergy,) **TAKE YEE A LAW**, and by that Law (through Gods suffi-
-rance) rule your Kingdome of Brittain : For you be Gods Vicar in your Kingdome &c. Where the Pope prescribes, and re-
-ferres the making of Ecclesiasticall Lawes and Canons, not to the King or Clergy, but to the King and Parliament. Hence the Canons of the-Councell of *Clonesho*, An. 747. were made, and confirmed in Parliament by King *Ethebald* and his Dukes, and Nobles. *Malmesburienfis*, *De Gestis Pontif. Anglie*, l. 1. p. 197. In the Councell of *Westminster*, under *Anselme*, An. 1102. both the King and Nobles were present, that so what-
-soever was determined by the authority of the Councell, *Utriusque ordinis concordia cura, & sollicitudine raturum, servaretur. SIC ENIM NECESSE ERAT.* *Malm. Ibid.* p. 218. and *Eadmerus*, l. 3. p. 67. l. 4. p. 94. 95. and *William the Conqueror*, *Edger*, *Canutus*, *Ira*, *Alfred*, *Edward the Elder*, *Ethelstane*, *Edmond* and *Ethebredo* made Ecclesiasticall Lawes and Canons in Parliament, as *Lambard* in his *Archæonomia*, *Fox Aets and Monuments*, p. 714. 715. *Bishop Jewell* Defence of the Apologie, part. 6. c. 2. Divis. 1. p. 521. 522. *Joannis Seldeni Nota ad Eadmerum*, p. 167. 168. testifie at large. The Booke of the Common prayer and administration of the Sacraments, and other Rites and Ceremonies of the Church of England, made and confirmed by Parliament, exactly pre-
-scribes all Orders, Rites, and Ceremonies whatsoever, that shall or ought to be used in the Church of England in time of Divine Service, or Sacraments, both by Ministers and people. And the Statute of 1. *Eliz.* c. 2. enacts, that no maner or Person.

Vicar.

Vicar, or other Minister, whatsoever shall use, or by open fact,
 deed, or threatnings compell, or cause, or other wise procure, or
 maintaine any Person, Vicar, or other Minister, to use any o-
 ther Rite, Ceremony, Order, Forme, or maner of celebrating the
 Lords Supper, Matten, Evensong, administration of the Sacra-
 ments; or other open prayers, then is mentioned and set forth in the
 said Booke, under the forfeitures, and penalties mentioned in that
 Act, providing, that if there shall happen any contempt, or irre-
 verence to be used in the Ceremonies, or Rites of the Church, by
 the misusing of this Booke, the *Queenes Majesty*, (not her
 Bishops, Heires or Successors,) by the advise of her Ecclesiasticall
 Commissioners, or of the Metropolitane of this Realme, might or-
 daine and publish such further Cerimonies or Rites, as may be most
 for the advancement of Gods glory, the edification of his Church,
 and the due reverence of Christs holy Mysteries and Sacraments.
 Which last clause is meerely personall to the Queene, and ex-
 tendeth not to her Heires and Successors, thrice mentioned in
 the former clauses, but left out purposely in this; the Parlia-
 ment, having good assurance of the *Queenes* zeale to Religion,
 not of her Heires and Successors, of whose persons and qualities
 they were then utterly ignorant. By all these Statutes, aslike-
 wise by King James Letters Patents, before the Canons and Constitu-
 tions An. 1603. and King Charles his Declaration, prefixed to the
 39. Articles An. 1628. compiled, by the Bishops themselves, it is
 apparant, that neither all the Archbishops, Bishops, Arch-
 deacons and Clergy together, nor any of them apart in their
 severall Diocesse, can so much as make enjoyne or prescribe
 any new Canons, Constitutions, Orders, Ceremonies, Rites,
 or Ornaments of Churches whatsoever, nor yet alter any of
 those prescribed in the Common Prayer Booke, no more
 then the meanest Curate, or Layman, by their owne Episcopall
 power or authority, much lesse then suspend, silence, deprive,
 or excommunicate any, who refuse to submit to their new or-
 ders, Articles, Canons, Constitutions, Rites, Ceremonies,
 Alterations, Innovations, and Ordinances. Yet such is the
 arrogant insolency of our Archbishops, Bishops, Archdea-
 cons,

cons, and their officials, that they not onely dare make, promulge, print, publish, and prescribe new Articles, Canons, Constitutions, Orders, Injunctions, Rites, Ceremonies, (as standing up at Gloria Patri, the Nicene and Athanasian Creed, bowing at the naming of Iesus, cringing to Communion-Tables and Altars, placing and railing in Communion-Tables Altar wise, erecting of Images, Pictures, Crucifixes, Altars and Tapers in Churches, Prayer towards the East, comming up to the Communion Tables to receave, with a world of other Innovations, contrary to the Common Prayer Booke,) in their Visitations and Consistories, (without the Kings speciall License, under his great Seale,) but likewise excommunicate, fine, and imprison such Churchwardens and Laymen, and suspend, silence, deprive, imprison such Ministers and Clergymen, as oppose, disobey, or refuse to submit unto them, (when as their owne

12. Canon excommunicates ipso facto, all such as shall obey them, or submit unto them, and themselves to, for making them without the Kings authority:) witnes the Churchwardens of Ipswich, and Beckington, Master Channcy, and divers others: A great oppression, and vexation to his Majesties faithfull Subjects, and a high affront and contempt, not onely to his Majesties supreme Jurisdiction, in causes Ecclesiasticall, but likewise to his Royall Declaration, prefixed to the 39. Articles, reprinted by his Commaundement, wherein hee professeth, that hee will not indure any varying, or departing, in the least Degree, from the Doctrine and Discipline of the Church of England then established; and to his Declaration to all his loving Subjects, of the causes which mooved him to dissolve the last Parliament, published by his speciall Commaund, An. 1628. p. 21. 42. wherein hee called God to record, that hee will never give way to the authorizing of any thing, whereby any Innovation may steale, or creepe into the Church, but prefers that Unity of Doctrine and Discipline established in the time of Queene Elizabeth, whereby the Church of England hath stood and flourished ever since: and professeth, that hee will maintaine the true Religion and Doctrine established in the Church of England, with-

not admitting or conniving at any backsliding, either to Popery or Schisme.

3. The Statute of 21. H. 8. c. 5. enacts, that Ordinaries and their Ministers, for Probate of wills, or letters of administration, where the goods doe not clearly amount above the value of C. s. shall take onely 6. p. where they are above C. s. and yet exceed not the value of 40. s. but onely 3. s. 6. d. and not above, where they amount to above 40. p. onely 5. s. and no more, unless one penny for every 10. lines of 10. Inches long under paine of forfeiture of double the money they take above these fees to the party, and same p. besides to the King, and party greivied; Yet these greedy cormorants and oppressors, for every will, now prooved, and all Letters of administration a take usually 3. 4. 5. or 6. times as much more of his Majesties Subjects, as this Statute allowes them, and are not ashamed to claime it as their due; refusing to take lesse to the great oppression of his Majesties Subjects. John Stratford, Archbishop of Canterbury, with the Council of London, October the 10. 1342. made this Constitution concerning fees for Letters of order, Institutions and admissions to benefices &c. (which is still in force, if any part of the Canon Law be, as our Prelates affirme, and b some Lawbookes too.) b 25. H. 8. a c new and insatiable (so Aton) a cruell and wretched Coverousnes (so Lindewood reads it) hath invented, how great exactions may oft times be made for Letters of institution of Clercks, admitted to benefices Ecclesiast. call. and for letters of orders, for the paines of writing, and for the Seales which the Canon it self reprooveth, saying, that as it becomes not a Bishop to sell the imposition of hands, so neither the * Minister to sell his quill, moreover the Clercks of

Against their exacted Fees and oppressions of this nature.

a See Stephen Puckels Table of Fees printed an. 1631. In causes of office, and dayly experience.

b 25. H. 8. c. 19 Cookes Institues, f. 344. c. loannu de Aton Const. f. 132. Lindewood provinc. 1. Constit. lib.

3. De Censibus de Scov. f. 160. 161. De institutionibus leg. fol. 102. 103.

* See Concilium Romanum sub Gregorio. 1. c. 5. Surin Concil. Tom. 2. p. 689 Concil. Coloniense, An 1536 c. 28. Surin ibid. Tom. 4. p. 756. with other Councils and Decrees, Ibid. Tom. 1. p. 705. Tom. 2. p. 172. a. 197. b. 328. b. 364. b. 603. 886. a. 635. b. 648 a. Tom. 3. 195. a. 264. a. 44. b. 292. b. 570. a decree that Orders should be conferred gratis, and that the Bishop, Minister, and Notary should demand & take nothing for them, it being Symony.

Archdeacons, and their Officials and other ordinaries, refuse to deliver the Certificates of inquisitions made upon vacant benefices, unless they have first and excessive Some of money for writing, wee therefore willing to abolish this abuse, have determined by the advice of this present Councell to ordaine, that for the writing of the letters of Inquisitions, Institutions, and collations, and Commissions to induct any into their benefices, or for the certificates of the same. The said Clerks receave not either by themselves, or by others above 12. d. and for the letters of every holy order, not above 6. d. In other things, let the ordinaries themselves be bound to allow stipends, for their Ministers and Officers, whereby they may justly be satisfied, but for sealing of such letters, or to the Marshall for entering into the house or Porters, or doorekeepers, or Barbours, wee will that nothing at. all be exacted or paid by conulerable intend, least the payment for Seales of letters, or entrances aforesaid be turned into a damnable gaine. And this wee ordaine upon paine of double to be restored within one moneth, otherwise the Clerks that refuse to restore double, let them know, that they stand suspended from their office, and from their benefice, by the approbation of this holy Councell: Wee ordaine likewise, that those, who are bound at the Commandement of their Superiours, to induct such, who are admitted into Ecclesiasticall benefices, be contented with moderate charges, for such induction to be made. Namely, if the Archdeacon be thoroughly contented with 3. s. 4. d. and his Officiall with 1. s. for all charges, both of himselfe, and his returne, concerning Diet, and let him that is inducted aforesaid, chuse whether hee will provide for the returne of him and his that giveth the possession in such quantity of money, or in other necessaries. And if any thing over and above this, by occasion of the premises be received by such as induct, or if they receave any more for the induction to be made by them, or if it shall happen, that they make not letters certificatory of their induction, and deliver them unto the Inducted, or which faigneth pretence unlawfully deferre them, wee will such as are culpable herein, so long to incurre suspension from their office, and enterance from the Church, untill the things contrarily received, be restored, and that they satisfie in the premises, him

who

who
Lind
fist or
com,
ducti
shall
are ag
unto
person
Arch
made
confer
either
bend
Offici
giving
by the
M
admi
licens
owne
mity
c. t.
shall
yet n
our P
take
Deac
can b
fees a
then

639.
101
158
ble: of

who by their default is hindered. But what if hee be inducted (saith
 Lindwood in his Glosse,) by another than the Archdeacon him-
 self or his officiall, yet at the commandement of the said Archdea-
 con, whether may the Archdeacon receive any thing for such an in-
 duction? Answer no, but hee that investeth him after this sort,
 shall be true of him, that is inducted necessary expences, and such as
 are agreeable to his estate and calling under the moderation, limited
 unto the Archdeacon himselfe, or his Officials, if any of them had
 personally made any such induction. And ^e Stephen Langhron, ^e Lindwood
 Archbishop of Canterbury, and the Councell of Oxford, An. 1222. Ibid.
 made this Degree; Wee ordaine that no Prelate, when hee shall
 conferre any Church or Prebend, presume or dare any manner of wayes,
 either to usurpe unto himselfe the fruits of the same Church or Pre-
 bend, not yet gather or to exact, or suffer to be exacted, by his
 Officials or Archdeacons, any thing for the institution, or possession
 giving, or for any writing to be made, touching the same; Moreover,
 by the f Canon Law, and Booke of ordination of Ministers, every f Sum. An-
 Minister may lawfully preach in his owne Cure, as well as baptise, ge'ica Tit.
 administer the Communion, and read Common prayer, & without a Prodicare,
 license; and if any have licenses, granted them to preach, out of their 2. H. 4.
 owne Cures, they ought to be granted freely without any fee or gra- c. 15.
 tuity, to the Bishop or his Officers. And the Statute of 23. Eliz. Monuments
 c. 1. provides expressly: That no ordinary, or their Ministers, p. 401. 402.
 shall take any thing for the licensing or allowance of Schoolemasters; 403. 406.
 yet notwithstanding these Statutes, Canons, and Constitutions, 416. 420.
 our Prelates their Commissaries, Secretaries, and other Officers, 429. 431.
 take no lesse then 15. 20. 25. or 30. s. for the orders of every 500. 502.
 Deacon, and as much for every Ministers orders, so as few are or 521. 541.
 can be now made Ministers under 40. 50. or 60. s. charge in 552. 553.
 fees and in some places more, yea they exact and take no lesse 563. 588.
 then 6. 8. d. yea 10. b 15. and 20. s. sometimes for every li- 590. 592.
 598. 599.
 6. 2. 604.

639. 800. 874. 883. 884. 911. 930. 931 950. 956. 1001. 1106. 1015.
 1016. 1099. 1156 1161. 1181. 1182. 1231. 1281. 1283. 1358. 1577.
 1580. 1584. 1512. 1585. 1586. 1888. 1899. b See Stephen Puckels Ta-
 bles of Fees.

cenſe to preach and keepe a Schoole, and no leſſe then 3. 4. ſhill (and ſometimes more as themſelves ſhall pleaſe to demand) at every trienniall viſitation, for ſhewing theſe their letters of orders, and liſenſes; when as there is never a farthing due by Law; and as for inſtitutions and inductions to Benefices, our Archdeacons and their officials exact, and take for every inſtitution and induction, no leſſe then 2. 3. 4. 5. 6. and ſometimes * 7. p. and more according to the vulture of the livings: An horrible extortion, oppreſſion and Simmony, farre worſe then the ſelling of Benefices by Patrons, yet our Prelates connive at, countenance, and maintaine all theſe exactions and extortions, not queſtioning any man for them, which is ill; yea i reſuſing to right, and perſecuting thoſe who complaine againſt them, which is farre worſe. So true is that of *Vespasian* now with them and theirs *k Dulcis odor lucri ex re qualibet.*

The Statute of 31. *Eliz.* c. 6. ratifies theſe former conſtitutions, concerning the ſelling and giving of orders, and provides: That if any perſon or perſons whatſoever, ſhall receive or take any money, fee, reward, or any other profit, directly, or indirectly, or ſhall take any promiſe, agreement, covenant, bond, or other aſſurance to receive any money, fee, reward, or any other profit, directly, or indirectly, either to him or themſelves, or to any other of their, or any of their freindes, (all ordinary and lawfull fees, onely excepted, which are but thoſe above ſpecified) for to procure the ordering, or making of any *Minister* or *Ministers*, or giving of any orders, or liſenſe, or liſenſes to preach; that then every perſon or perſons, ſo offending, ſhall for every ſuch offence forfeit the ſumme of xl. p. of lawfull money of England, and the party ſo corrupted, ordained, or made *Minister*, or taking orders ſhall forfeit 10. p. And if within 7. yeares after ſuch corrupt entering into the *Ministry*, or receiving of orders, hee ſhall accept any benefice, living or promotion Eccleſiaſtical, that then immediately, from and after the induction, inveſting or installing thereof, or thereunto, had the ſame benefice, living and promotion Eccleſiaſtical, ſhall be meerely void, and that the Patron &c. may preſent and collate unto the ſame, And

* So much
Doſtor Fea-
lier Inductio
to Aſton
ſtood him in
fees.

i See Stephen
Puckles
Table of
Fees the E-
piſtle Dedi-
catory.
k *Suetonii*
Vespasianus.

by the same statute it is enacted, that if any person or persons, for any summe of money, reward, or gift, profit or commodity whatsoever, directly, or indirectly, (other then for usuall and lawfull use, which are those onely forementioned) or for, or by reason, of any promise, agreement &c. (as in the former clause,) shall at any time admit, institute, install, induct, invest, or place any person, nor to any benefice, with Cure of Soules, dignity, benefice, or other Ecclesiasticall living, that then every person, so offending, shall forfeit, and loose the double vallue of one yeares profit of every such Benefice, l. l. omni de Dignity, Prebend, and living, and that the same shall be immediate- Aton, Con- ly void, so as the Patron may present thereto; By vertue of which stit. Oiboni, de Archidia- Act, I feare me, most Ministers may be turned out of their conis, f. 43. livings; and all our Prelates with their Officers, and late ordai- 44. ned Clerks undone, if their forfeitures were but well inquired m Lindew. after; l. Oibo in his Constitutions, with our whole generall nationall Constit. Pro- Synode, under him prescribes, that Archdeacons in their Visitations, vin. de Cen- when they punish and correct crimes, shall not presume to receive sibus l. 3. c. any thing, (by way of fee,) nor to involve any man in censures Quem. vii. justly, that so they may extort money from them, because those n Lindewood things, and such like favour of Simoniackall pravity: And hee l. bid. further ordaines, that no Archdeacon or Bishop shall receive pro- o Concilium curations from any Church, unlesse hee personally visit the same Toletanum 3. Can. 20. Church, nor extort any thing for redemption of Visitations: And 21. & 7. John Stratford, Archbishop of Canterbury, with the Councell under Can. 4. Con- him, An. 1342. degree: That no man shall presume to receive cil. Lateran. sub Alexand. of any Church any procuracion, to be payed by reason of visiting, 3 An. 1179 part 1. c. 4. 7. unlesse hee diligently visit the same Church in person: and if any will Bocheilus visit any Churches in one day, let him be content with one dayes pro- Decr. Eccles. curacion in victuals, or money, unto which procuracion let him cause Gall. l. 5. tit. all and singular Churches, so visited in one day, proportionally to con- 15. Concil. tribute as the Canons ordaine; yea m Boniface, Archbishop of Colon. An. 1536. c. de Canterbury ordained, that the Apparitors and Bedels, should re- modo refor- ceive nothing from Ministers and others for any Sermons citation, quarto. 1. mandis Ec- but what they should please to give them freely. By which and fun- clesiam. dary o other Councells it is apparant.

1. *First*, That by the Canon Law, no procurations are due, or ought to be payed to Archbishops, Bishops, Archdeacons, and other Ordinaries, unles they visit in person, nor when they visit by the parties.

2. *Secondly*, That they ought personally, to visit every Church in their Diocese, (not an whole Deanery, onely at one Church, as now they doe without visiting the rest;) else it is not in truth a Visitation, for how is that visited, which is not so much as seene? and that no procurations are due from any Churches, which they doe not personally visit.

3. *Thirdly*, That where they visit many Churches in one day, there they ought to receive but procuration for them all.

4. *Fourthly*, That this procuration may be payd, either in money or provision, at the Election of those who are visited, it being onely payd to defray the charges of their provision, and not as any fee, or duty.

5. *Fifthly*, That where the Bishop, Archdeacon, or Visitor, is entertained by any Minister or Gentl. and put to no expences for provision, there no procuration is due; nor yet ought to be required.

6. *Sixtly*, That no fees are due to Apparitors, or any other Officers attending those Visitors for any offences presented, inquired after or punished, nor for shewing of licenses, Visitation Articles, or Churchwardens, presentments &c. but onely the procuration it selfe, which ought to be no more then the Visitors necessary (not superfluous and idle) expences. This without all controversy is the Canon and Common Law to, as the Premises evidence? yet our Archbishops, Bishops, Archdeacons & other ordinaries (as if they visited onely of purpose to fill their purses, and fleece both Ministers and people, as I have ever done,) take and

p Mathew
Paris Hist
Major.

p. 754. 795

754. 755.

756. 766.

to 789. An-

tiquit. Eccl.

lyrit p. 185.

186. 187.

and exact procurations. 1. When they visit not in person, but by deputy, when none are due by Law. 2. Of such Churches, which they never personally visit. 3. Many procurations of every Church, within the Deanery for one dayes Visitation onely. 4. Procurations in money, not in provision, and that more then will defray their necessary expences. 5. Procurations even where they are entertained by the Minister or some others, and are put to no expence.

Moreover, they and their Registers exact and demand excessive fees.

1. *First*, Of every Minister for shewing of his Letters of order and licenses, to preach sometimes 3. s. 6. d. sometimes 5. s. where there is nothing due.

2. *Secondly*, Of every Schoolemaster and others for shewing their licenses, to teach Schoole, and the like as much.

3. *Thirdly*, Of 4 Churchwardens and Sidemen for their presentment, accompts, oathes, and the illegall Booke of Articles, they sell them to present on 1. s. 6. d. or more.

qSee Stephen Puckels Table of fees.

4. *Fourthly*, Of the Parties there presented, cited, and censured; what ever they please to exact, some times 2. s. 3. s. or more.

5. *Fifthly*, Of Rurall Deanes, for their Oath, accounts, and office, (though imposed on them against Law, for the Archdeacons, and Apparitors case,) 6. s. 6. d. or more.

All these with many others are meere extortions against *qSee Puckels* Law and Canon; yet our Prelates, Archdeacons, and their underlings, both take and challenge them, as their due, excommunicating those, who refuse to pay them: Their Visitations (kept without any Commission or Patent from the King, in their own names, for which they incur a *Premunire*) being meere illegall.

illegal oppressions, extortions, and deprivations on the poore Ministers and Subjects, as they have bene in all ages, (no Counsellors, Canonists, Histories, or Authors ever mentioning them, but with a relation and censure of those manifold exactions, ex-

In his Postill the Sunday before Easter p. 288. *tortions, and oppressions which inseparably attend them) s & non morum, sed nummorum visitatio, as Doctor Boyes one of the Centuries, and Saint Augustine concludes; Their extortions in their High-Commissions and Consistories, by their Chancel'rs, Commissaries, Officials, Registers, Apparitors, Pursuivants and other officers, are infinite and intollerable, not any one of them warranted by Law or Canon, fitter to be inquired after by the Commissioners for extorted fees, then here to be*

See Puckels Table, and Nicholas de Clemangin, de corrupto Eccles. statu. c. 25. accordingly. Nat. Brev. f. 41. A. *related, onely I cannot but remember, that it is the t Comm practife of these harpies, to cite men into their Courts by their Apparitors, by a generall Citation, without expressing the cause in the Citation, for which they are summoned (which u Farberus beert long since resolved to be an oppression; and against Law) or the Party at whose suite they are summoned, if they appeare not there, then they excommunicate them for a contempt, and so must pay 4 or 5. s. for an absolution, though nothing be objected against them, if they appeare, then they must pay the fees of the Apparitor and Court, to wit, 16. d. 2 s. 2. s. 6. d. or more sometimes, though no man appeare to object any thing against them and be dismissed, and if they refuse to pay their fees, (which are according as themselves please, to cease them sometimes 16. d. 20. d. 2. s. or more) then they will not dismisse, but for vexation and grave adjourne them to some other Court day, and if they appeare not, they forth with excommunicate them, upon which they must pay terrible fees, or more for an absolution though innocent. This is the common courle and dayly practife of the Consistories, an extortion, oppression, and vexation so unjust, so frequent and greivous to the Subjects, (that I speak not of their severall plots and devices, how to rayse fumes of innocent men and women to bring them into trouble,) as that they groane and languish under it, and now more then ever In a word their extortions are so manifold great and greivous*

† This was an Article objected against Bishop Farrar. Fox Act. & Monuments p. 1404. Artic. 16. *† This was an Article objected against Bishop Farrar. Fox Act. & Monuments p. 1404. Artic. 16.*

that I speak not of their severall plots and devices, how to rayse fumes of innocent men and women to bring them into trouble,) as that they groane and languish under it, and now more then ever In a word their extortions are so manifold great and greivous

that *Peirus Blenspis*, an Archdeacon of Bath (who notably de-
 ceivers and declaimes against them) derives the name of an Of-
 ficial, from the verbo officio, as it significth to hurt, calling it, an
 office of perdition, and damnation, in which whosoever committeth,
 must necessarily be damned and cannot be saved, whether our Pre-
 lates, Archdeacons, Commissaries, and all their under Officers,
 who thus fleece, oppress and vex his Majesties Subjects by these
 their manifold extortions, and are (I dare say,) the greatest
 oppressors, and extortioners, and polers of them, this day living,
 (except their High-Commission, Pursuants, Registers, Goa-
 lers, Officers, who equall or exceed them,) ought not to be
 forthwith informed against in the Starchamber, and there
 deeply fined to his Majesty, (to the value at least of the fees,
 they have extorted) and deprived of all their offices, Courts,
 and places, for which they have no Patent, and so no right or
 Title; and whether this would not be a just and lawfull project,
 whereby the new Lord Bishop Treasurer, might and ought to
 procure his Majesty a great Masse of money, I humbly submit to
 the judgments of those, whom it most concernes, to looke there-
 to, & to take care to ease the Subjects of these extortions, which
 are now become an insupportable burden to the people. To
 these I might adde their pecuniary mulcts, fines, and penalties,
 for omitting, and negligent performing of their disorderly or-
 ders, to turne Communion-Tables Altarwise, and the like by which
 Device Doctor Peirce, now Bishop of Bath and Wels, and his Offi-
 cers, (men as worthy to be brought into the Starchamber for
 their exactions as any of their Coate, to omit * Doctor Mason

* Officialis
 Episcopi mi-
 nisterium
 damnationis
 Credo,
 hujusmodi
 officiales non
 ab officio
 verbo mu-
 tasse voca-
 bulum. Nam
 genus hec
 hominum
 quod dicunt
 officii per-
 di &c. Si
 mihi credi,
 imò si creda
 in Deum re-
 lingue ma-
 turum offici-
 alis officium
 ministerium
 damnationis,
 rotam malo-
 rum spiri-
 tum vertigi-
 nis qui te ad
 inania cir-
 cumvolvunt
 misere a-
 nima tua
 placens Deo,

mi placere non potes, cum isto perditionis officio Epistola, 25. ad officialem Episcopi Car-
 men, is.
 The Bishop of Winchester Chancellor, who fined some Churchwardens, lately 6. s.
 for not altering their Communion-Table.

and others) extorted no lesse then 6. s. 8. d. of late in lesse then one
 y See Stephen quarter of a yeare of many Parishes in his Diocesse. Their 3 com-
 Puckels mutations of penance, (the money whereof they purse up them-
 Table of selves, whereas they should distribute it to the poore, or bestow it on
 Fees, other charitable uses) even in cases, where Penance ought not to be
 * Which are committed. Their extorting of money by * Purgations, Cum-
 merely vol- purgatus, and by granting licenses, to marry without asking
 untary at the parties, not judges elu- banes in the Church which if marriages and licenses to marry, be
 sion, by the merely spirituall, as they pretent, (as if a license to preach, or
 Canon Law, receive the Sacrament,) is grosse Simmony, and so to be taken
 as Gratian. from them to prevent Simmony in them, which makes them 7 ex-
 Can. 2 qu. 5 communicate, and irregular Ipso facto, incapable to preach (which
 resolves. they seldome doe, and therefore need not much to value) to ad-
 z See Summa minister the Sacraments, give orders, or exercise any Ecclesiasticall
 Angelica, jurisdiction. If civill and temporall, then it belongs not to their
 tit Simmon. jurisdiction, but the Kings; and such temporall Officers, as hee
 Irregularius Iudex & shall authorize to grant them. But these, I pretermit, as fitter
 excommuni- for Commissioners or a grant Jury, to inquire after that, they
 catio. may be punished, then here to discourse or treat of any fur-
 ther. Onely this I shall observe, that there are divers Com-
 a Register missions printed in the 4 Register, for inquiring after extortion,
 part. 2. f. 1. oppression, and exacted fees in officers, and for sequestering their
 l. 5. 126. offices, till the Inquiry fully made for the better examining, sifting
 b Antiquit. out of their extortions. Yea I finde b King Edward the 3. in his
 Eccles. Brit. Proclamations against Archbishop Stratford, published to his Sub-
 p. 243. jects, that hee remooved some great men from their offices and places,
 and imprisoned others of inferior quality, who upon probable
 grounds were suspected of the ill administration, and subversion
 of justice, the oppression of his Subjects, taking of bribes, exacting
 excessive fees, and other great offences, till these their offences were
 fully examined, and inquired of least they enjoying their accustomed
 liberty & offices, the execution of Justice should be supplanted by their
 subtilty, and the inquisition of the truth deluded by their craftines.
 Whether our Prelates and their officers ought not thus to be
 suspended, imprisoned, and proceeded against, for their fore-

named extortions, exacted fees, bribes, and oppressions, I re-
 ferre to his Majesties wisdom and iustice.

4. It is most perspicuous and apparent by the severall Sta-
 tutes of 9. H. 3. c. 28. 51. H. 3. c. 14. 3. E. 1. c. 40. 6. E. 1.
 c. 8. 13. E. 1. c. Westm. c. 43. 13. E. 1. Statute of Winchester, c. 1. 6. 13. E. 1. Statute Merchant Articles of Inquisition, upon
 the statute of Winchester. 34. E. 1. Statute of liberties, c. 6. 51. H. Presentm.
 3. Statute of Escheators, 9. E. 2. Statute of Scheriffes, 17. E. 2. c. on them,
 4. 1. E. 3. c. 8. and Statute 2. c. 4. 5. E. 3. c. 2. 9. E. 3. of mor- proving
 ny c. 9. 15. E. 3. c. 3. 4. 18. E. 3. Statute 3. The Oath of Iudges them both
 and Clerks of Chauncery, 20. E. 3. c. 1. 3. 25. E. 3. Stat. 1. c. and Con-
 5. 6. Stat. 4. c. 1. and Stat. 7. of levying the quindesme, 27. E. 3. Science.
 Stat. 2. c. 1. 15. 16. 23. 24. 26. 31. E. 3. Stat. 2. 5. R. 2. Stat.
 1. c. 2. 12. 13. 14. 6. R. 2. c. 12. 9. R. 2. c. 3. 12. R. 2. c.
 8. 13. R. 2. c. 7. 17. R. 2. c. 9. 4. H. 4. c. 10. 18. 20. 21.
 1. H. 5. c. 6. 2. H. 5. c. 4. 6. 7. 4. H. 5. c. 2. 4. 2. H. 6. c. 10.
 18. H. 6. c. 4. 10. 20. H. 6. c. 10. 23. H. 6. c. 4. 2. 33. H. 6. c. 2.
 3. 5. 3. E. 4. c. 3. 7. E. 4. c. 1. 8. E. 4. c. 2. 12. E. 4. c. 2.
 3. 17. E. 4. c. 2. 5. R. 2. c. 12. 14. 1. R. 3. c. 6. 25. H. 8.
 c. 22. 26. H. 8. c. 2. 31. H. 8. c. 14. 23. H. 8. c. 5. 28. H. 8.
 c. 16. 32. H. 8. c. 46. 33. H. 8. c. 22. 19. H. 7. c. 7. 1. Eliz.
 c. 1. 5. Eliz. c. 1. 13. c. 7. 27. Eliz. c. 12. 1. Jac. c. 9. 31.
 3. Jac. c. 4. 7. Jac. c. 2. 6. 21. Jac. c. 7. 20. 33. 1. Car. 2. 1. 2.
 Car. 2. 1. and the Petition of Right, 3. Car. Wests presidents Tit.
 Chauncery, Sect. 34. 36. 39. 57. 58. 59. 61. with sundry other
 Statutes and Lawbookes, that no kindes or formes of Oathes can
 be made or imposed on his Majesties Subjeets, nor prescribed to
 them, in any new cases, but by Act of Parliament, onely, that no
 Bishop or Subjeet whatsoever, have any power to make or injoyne
 any new Oathes or formes of Oathes, nor yet authority to administer
 an Oath to any man, without a speciall Commission from the King,
 under his great Seale, or some Act of Parliament, specially au-
 thorizing him, to give or take an Oath, unlesse in Courts of record
 or cases, where the Canon Law inables the Judge to administer an

Oath by prescription, originally grounded on some Charter or Commission from the King. The statute of *Magna Charta* c. 28. enacts, That no Bailiffe from henceforth, shall put any man to his open Law nor to **AN OATH**, upon his owne saying without finishfull witnesses, brought in for the same. The equity whereof extends to the Bishops, though the words onely to Bailiffes. The statute of *Marlebridge* 51. H. 3. c. 22. enacts, That none from henceforth may distraine from his freeholders, to answer for their freeholdes, nor for any thing, touching their freeholdes without the Kings writ: nor shall cause his freeholders to sweare against their wills; **FOR NO MAN, MAY DOE THAT WITHOUT THE KINGS COMMISSIONEMENT**, to wit, by the Kings speciall writ and Commission for that purpose. *c An. 1236.* *Ortho, the*

c Matth.
Para Hist.
Major.
p. 438.

Popes Legate, in a Conncell of London, made this Constitution, touching oathes in spirituall causes in Ecclesiasticall Courts, till that time not knowne, nor used in England, as appeares by the words of the Constitution, *Iurisjurandum calumniæ in causis Ecclesiasticis cujuslibet, ET DE VERITATE DICENDA IN SPIRITUALIBUS QUOQUE*, ut veritas apcriatur facilius, & causæ celerius terminentur, statui-
mus DE CÆTERO PRÆSTARI IN REGNO ANGLIÆ, secundum Canonicas & legitimas sanctiones. OBTE NTA IN CONTRARIUM CONSVETVDINE NON OBSTANTE. A cleare resolution, that till that time the custome of England, and the Law of the Land was contrary, that they could not inforce any man to his Oath in such cases. After which *d Grostthead, Bishop of*

d Matth.
Para Hist.
Major.
p. 693, 694
whose words
are these.

Lincolne, An. 1246. upon the suggestion of the Friars Predicants and Minorites, raged more then was meet or expedient against those of his Diocesse, making strict inquisition in his Bishopricke by his Archdeacons and Deanes, concerning the chastity and manners,

as well of noble as ignoble, (upon oath,) to the enormous hurt and scandal of the reputations of many, ^{Quod nunquam antea fieri consueverat: saith the Author.} WHICH HAD NEVER BEENE ACCUSTOMED TO BE DONE BEFORE. The King hearing the greivous complaints of his people against these innovations, did thereupon by the advice of his Counsell and Courts of Justice, send a writ to the Sheriffe of Hertford in these words: Henry by the grace of God, King of England, &c. Wee commaund thee, that as thou breast thy selfe, and all things that are thine, that thou from henceforth suffer not any Laymen of thy Bathwicke, to assemble together in any place, at the will of the Bishop of Lincolne, or of his Archdeacons, Officials, or Rurall Deanes, to make any acknowledgment, or attestations upon their oath, unlesse in cases of Matrimony and Testament. ^{Matthew Paris Hist. Major. p. 705.} And the very next yeare following in pursuance hereof, the King (by Parliament) enacted, and commaunded these things, ensuing to be inviolably observed: That if any Laymen were convicted before an Ecclesiasticall Judge, for breach of faith and perjury, that they should be prohibited by the King: And that the Ecclesiasticall Judge should be prohibited to hold plea of all causes against Laymen, unlesse they were of Matrimony and Testament. All which Matthew Paris precisely relates. Which Prohibition and statute nullified the Constitution of Otho; and hindered this his innovation: Whereupon, that insolent trayterly audacious martiall Archbishop of Canterbury, Boniface ([†] better skilled in affaires of the Campe then of the Church,) ^{† Antiquit. Eccles. Brit. Bonifacius} An. 1256. (but nine yeares after this Prohibition and forenamed Statute,) published this peremptory audacious Constitution in affront of them both: Statuimus quod Laici ubi de Subditorum peccatis & excessibus corrigendis per Prælatos & Ecclesiasticos Iudices inquiritur, AD PRÆSTANDVM DE VERITATE DICENDA IVRAMENTVM, per excommunicationis sententias, si opus fuerit, COMPELLANTVR; Impedientes verò NE

HVIVSMODI IVRAMENTVM P R Æ S T E N T V R. (For the Iudges with

many others then generally oppugned and hindred the ushering in of this innovation ,) per interdicti & excommunicationis sententiam arceantur. To evacuate with exorbi-

tant illegall Constitution (means onely of witnesses, not of Church-

wardens, Sidemen, or strangers oathes, as the *g Gloss of Lindewood*, (who records it ,) resolves in expresse termes ,) trench-

ing both upon the peoples Liberties and the Courts of Iustice too ; the Iudges frequently granted out sundry generall Pro-

hibitions , to all, or most of the Sheriffes of England ; as is evi-

dent by the *b Register of Writs* ; *i Fitzherberts Natura Bre-*

vinum ; *k Rastall*, and others , commanding the Sheriffes, to in-

hibit Bishops and their Officers, to cite Laymen before them, to take

an oath in any cases whatsoever, except of *Matrimony* or *Testa-*

ment onely ; and not to suffer the people to appeare before them to

take such oathes ; Which Prohibitions runne in these words,

The *l King* to the Sheriffe greeting ; Wee command thee, that

thou permit not , that any Laymen henceforth come together at the

Citation of the Bishop, or his officers, in any place, to make any re-

cognitions, or to take an oath, unlesse it be in case of *Matrimony*

and *Testament* ; Upon which Prohibitions, this *Attachment*

followed : The King to the Sheriffe, greeting : Cause such a

Bishop to put in suerties to appeare before our Iustices &c. to shew

cause , why hee made certaine Lay-persons to be summoned and

distreined by Ecclesiasticall Censures, to appeare before him at his

pleasure , to take an oath against their wills, IN GRA-

VE PRÆIUDICIUM CORONÆ

ET DIGNITATIS NOSTRÆ RE-

GIÆ, NEC NON CONTRA CON-

SVETVDINEM REGNI NOSTRI,

to the Greivous prejudice of our Crowne and dignity, and also against

the custome of our Kingdome, &c. Which Prohibitions and

Attachments were usuall , as appeares by *Rastalls Abridgment*.

g Lindew.

Proin. Com-

fit, lib. 2.

De Iureju-

rando f. 80.

b Pars 2. fol.

36. b. 43.

50.

i Nat. Brev.

f. 41. A.

k Abridgm.

of Statutes.

Tit Prohi-

bition. 5.

l Register

pars 2. f. 36.

Nat. Brev.

f. 41. A.

of
bition
f. ver
Baly
their
of
recite
(to sw
the S
any m
le lav
dwels
exami
true p
B T
R A
sonab
oathe
being
himse
clause
ladg
lesse
nor c
accus
by th
other
Reath
diver
rall C
assem
Maje
oath
ries,
officio

of statutes, *Prohibition. 5.* where a larger forme of Prohibition and Attachment is recited; commanding the Sheriffes of severall Counties, that they suffer not, that any Laymen in their severall Counties come together in any places, to make any recognisances by Laies and their oathes before Bishops or Ecclesiasticall Judges, except in causes of Matrimony and Testament. The Statute of 2. H. 5. c. 3. recites, that the Ecclesiasticall Court in that time could cite men (to sweare,) onely in cases of Matrimony and Testament. And the Statute of 2. E. 6. c. 13, concerning Tithes, enacts, That if voyd and any man refuse to pay his personall Tithes, that then it shall be lawfull for the ordinary of the same Diocesse, where the party dwells, to call the said party before him, and by his discretion to examine him, by all lawfull and reasonable meanes, concerning the true payment of the said personall Tithes, OTHER THEN BY THE SAYD PARTIES CORPORALL OATH. For that was neither lawfull, nor reasonable, the Ecclesiasticall Court, having no power to administer oathes, but in case of Matrimony and Testament, and no man being by Law or equity bound to accuse or bare witnesse against himselfe: the true reason, why the Parliament inserted this clause, and a direct Parliamentary resolution, that Ecclesiasticall Judges can enforce no man to sweare, nor not a witnesse, (much lesse as a party,) except onely in case of Mariage and Wills; nor to constraine any man in any case to take an Ex officio oath to accuse himselfe: Which Ex officio oathes are for ever exploded by the Petition of Right, 3. Carols; that mentions this among other great greivances, contrary to the Lawes, and statutes of the Realme, and the Subjects Liberties and Rights; That of late divers Commissions were directed to sundry Commissioners in severall Counties, by meanes whereof the people had beene in divers places assembled; and required to lend certaine sommes of money to his Majesty, and that money of them upon refusall so to doe have had an oath administred unto them, (to answer to certaine Interrogatories, which the Commissioners should demaund of them Ex officio to accuse themselves, and others,) * not warrantable by

beeing and for ever deplored by this Statute.

the

* All Oathes not warranted by the Statutes of the King. done are there adjudged to be contrary to the Subjects liberties, but all Ex officio Oathes, except onely in cases of Mariage & Testament, ministred by the High Commissions, & all other Ecclesiasticall Judges, are such; there being no law or statute, that prescribes or warrants them. Therefore they are merely voyd contrary to the Lawes & statutes of the Realme, and to the Subiects Liberties.

the Lawes and statutes of this Realme; whereupon they there pray as their Rights and Liberties, according to the Lawes and statutes of this Realme; That no man be hereafter called to make anywere or take **SUCH OATH**, or be confined, or otherwise molested, or disquieted, concerning the same, or for refusall thereof. (A fatal blow to all *Ex officio* oathes and Proceedings, for men to answer to Articles, to detect, accuse themselves, or others used by our Prelates & High-Commissioners,) To which the King gave this Royall answer in Parliament; Let right be done as is desired; adding moreover: that his Maxime is; that the peoples Liberty, strengthens the Kings Prerogative, & that the Kings Prerogative, as to defend his peoples Liberties. And I doe here declare, that those things, which have been done, whereby men had some cause to suspect the liberty of the Subjects to be trencht upon, shall not hereafter be drawne into example for their prejudice. And in time to come (in the word of a King,) you shall not have the like cause to complaine. The King and Parliament therefore here publicly declaring, resolving that *Ex officio* Oathes, for men to answer to questions and Articles to accuse themselves, are not warrantable by the Lawes and statutes of the Realme; but contrary thereto, and to the Subjects Rights and Liberties though warranted by speciall Commissions and instructions under the great Seale; is a most pregnant resolution, that the High-Commissioners and Bishops *Ex officio* oathes and Articles in criminall things, being of the selfesame nature and quality with them, and *m* formerly adjudged to be against the Lawe, the statutes of the Realme, and the Subjects Liberties in the Parliament, of 7. Jacobi, and in the Kings Bench and Common Pleas, as the premises evidence, are directly against the Lawes and Fraunchise of the Land, the Rights and Liberties of the Subject, and that no man ought henceforth to be called before the Prelates, High-Commissioners, or any others, to take such oathes, or to be confined, imprisoned, disquieted, or otherwise molested, concerning the same, or for refusall thereof; and that their Commission to administer such oathes, (made since this Parliamentary resolution, and the Kings owne Royall promise in Parliam-

ment.

m See the
Petition of
grievances
then printed.

ment, even in the word of a King; that they should never hereafter be drawne into example unto his Subjects prejudice, &c.) is in this particular illegall, and meerely voyd in Law, no man being bound by Law to accuse, arraigne, or give in evidence against himselfe upon his oath, in any criminall Ecclesiasticall cause whatsoever by any Law or Statute, either of God or man, as the premises manifest. From all which Statutes, Lawes, Prohibitions, and premises, it is apparant.

1. *First*, That no Ecclesiasticall or temporall Iudge, Archbishop, or other Ecclesiasticall person, can prescribe or make any new forme of oath, nor yet impose an oath in any cases, but in such as the Statutes and Common Law of the Realme have allowed, and authorized them to doe it; and that no new forme of oath may or ought to be framed or imposed in any new case, but by speciall Act of Parliament. Yet our Archbishops, Bishops, Archdeacons, and their Officials, like so many Popes or Parliaments, take upon them both to make, print, promulge, and impose new formes of oathes on Churchwardens, Sidemen, and other his Majesties Subjects, in their Visitations and Consistories in their owne names, and by their owne authority; as appeares by all their late printed Visitation Articles, and Consistory proceedings; and that in cases where they have no authority to doe it, either by Statute or Common Law.

2. *Secondly*, That no Ecclesiasticall Iudge, Archbishop, Archdeacon, Commissioner, or Officiall, hath any power or authority in point of Law, to administer an oath, or compell men to sweare in any criminall Ecclesiasticall cases or matters, within their Jurisdiction, (especially the parties themselves, but onely in cases of Testaments and Mariage, and that a Prohibition, yea an Attachment lyes against them, in case they dare or force any man to take an oath before them in any other cause. Yet all our Ecclesiasticall Iudges, Prelates, Archdeacons, Officials, and High Commissioners, in contempt of all the premises,

dayly administer oathes to his Majesties Subjects, and by Citations, Excommunications, and imprisonments oft times, compell them to sweare and take an oath, not onely in causes of Matrimony and Testaments, but likewise in criminall, and all other Ecclesiasticall causes, comming before them; and that not onely as witnesses, but likewise as informers, to accuse, to detect themselves and others upon captious and ensnaring Articles.

3. *Thirdly*, That no Ecclesiasticall Iudge, Prelate, Officer, or any other Subject whatsoever, hath any power or lawfull authority to administer, or impose an oath upon any Subject, unlesse hee hath an expresse Act of Parliament enabling, or Commission under the great Seale of England, authorizing him to doe it. Yet our Archbishops, Bishops, Archdeacons and other Ecclesiasticall Iudges and officers, without any such speciall Act of Parliament or Commission, presumptuously take upon them to administer oathes to his Majesties Subjects in all cases whatsoever, as their owne fancies and wils direct them; to the great vexation and oppression of the people, the encrease of perjury, rash oathes, and common swearing; the perdition of many soules, and the advancement of their owne usurped Antichristian Iurisdiction, in prejudice and derogation of his Majesties Ecclesiasticall Prerogative; though no Archbishop or Bishop, could so much as administer the oath of supremacy, or allegiance to any Minister or person, (though tending to the preservation of his Majesties person, and Prerogative Ecclesiasticall, and the Republiques safety) without a speciall Commission under the great Seale, authorizing him, as is evident by the Statutes of 28. H. 8. c. 10. and 1. Eliz. c. 1. till the statute of 8. Eliz. c. 1. enabled them, and others for to doe it, expresse clause without such a speciall Commission. If therefore they could not administer this oath to any without speciall Commission, till enabled thereto by Act of Parliament, much lesse can or may they administer any other.

† See 3 l. c.
4. 7. l. c. 6

4. *Fourthly*,

4. *Fourthly*, That all oathes *Ex officio* in criminall causes for men to accuse, or detect themselves, are directly contrary to the Lawes, Statutes and Customes of the Realme, and for ever abandoned by the Petition of Right; and that no Prelate, Ecclesiasticall Iudge, or High-Commissioner, may or ought to compell, or enforce any man to take such an oath, or excommunicate or imprison any man, for refusing to take the same. Yet notwithstanding our Prelates, and High-Commissioners, trampling all the forecited Lawes and Premises under their feet, dayly cite and compell men to take *Ex officio* oathes, to accuse and betray themselves and others; excommunicating, * yea * *Witness the* imprisoning at the first, all such, who out of Law or Conscience refuse to take them; to the intollerable oppreession, greivance, *Seperatists and old Mr. Wharton of late imprisonment* vexation of his Majesties Subjects, and the infringement of their just, ancient Rights and Liberties. " When our Saviour Christ soned, onely was converted before the High-Prest, and there asked by him of his Disciples and of his Doctrine; Jesus answered him, I speake openly to the world, I ever taught in the Synagogue, and in the Temple, whither the Jewes alwayes resort, and in secret have I said nothing, why askest thou me? aske them which heard me, what I have said unto them: behold they know what I said. And when hee had thus spoken, one of the officers which stood by, stroke Jesus with the palme of his hand, saying: Answerest thou the High-Prest so? Jesus answered him, If I have spoken evill, bare witness of the evill, but if well, why smitest thou me? If any of Christs Ministers be converted before our Bishops or High-Commissioners, concerning his Disciples and Doctrine, and shall answer them as Christ here doth the High-Prest, and in his words, refusing to accuse or detect himselfe and them, they are so farre from being satisfied with our Saviours owne, and this their answer, as the High-Prest was; that they and their officers will use them, as the High-Prests officers did our Saviour, saying; Answerest thou the High-Prest, Archbishop, Bishops, and High-Commissioners so? and send him forthwith to prison, as obstinate and seditious persons; and experience dayly testifieth:

so farre worse and unreasonable are our Prelates, and High Commissioners growne, then the Jewish High-Priest, who convented our Saviour; and such a capitall offence is it now a dayes reputed, for Christs faithfull Ministers to follow this their Masters example; in so much, that one wittily make this *Quare o* in a printed Booke, dedicated to *Queene Elizabeth*. If Christ himselfe were now a live on earth, and convented before our High-Priests and Commissioners, as hee was before the Jewes High-Priest, and there asked by them of his Disciples and Doctrine, and should give them the selfe same answer, as hee did to him; to which of the prisons hee should be committed by them for it. Whether to the Kings Bench, the Clinck, the Fleet, *Marshallsey Counter*, or Gatehouse? (For to one them hee should surely be sent;) they committing *Master Bambridge*, *Master Johnson*, and sundry other Ministers, for giving them the selfe same answer, even in our Saviours words, when they were asked by them, of their Disciples and Doctrine, and refused to take an oath to accuse themselves, as our Saviour here did.

5. *Fifthly*, That all our Bishops, Archdeacons, and their Deputies, Visitation oathes, are directly unlawfull, against the Lawes, the statutes of the Realme, and Liberties of the Subject, which I would wish, that insolent, audacious Prelate, *Doctor Wien*, Bishop of *Norwich*, and his Visitors, to consider; who in his *Visitation Articles*, printed *An. 1636. Ch. 6. Sect. 9.* hath inserted this extravagant new Article of Inquiry for Churchwardens, to present any one upon oath: *Hath any man, that you know, or have heard of, by speech or writing, or upon the assertion of any other man affirmed, (whether within or without his Diocese it matters not,) That men ought not to take the office, or the oath of a Churchwarden, or of presenting at the Bishops Visitation? Or that the said oath is unlawfully given them: Or that being taken, it is but of course, and binds them not, nor need to be regarded: Or that (the said oath notwithstanding) it is free for them to make inquiry, nor to answer, but to doe what they list, and to leave out and*

pass

pass by whom they will, and what they will in their presentments? Threatning at the end of the Articles, That if (their oath and all his advertisement) notwithstanding any Churchwardens or sworn men, shall follow the customary maner, and be carelesse in inquiring and presenting as they ought, or shall not make a distinct answer to every of his Articles (being in all 139.) and to every thing thereof, as farre as they know, or have heard of any offence; that upon information and prooffe otherwise had, they shall be called to answer their willfull perjury, (unjustly occasioned by this willfull Bishop himselfe) in some other course of justice, for neglecting to inquire or present to all the particulars herein proposed: Though these oathes in these ensuing respects, be altogether unlawfull, yea ungodly and Antichristian.

1. *First*, Because they are neither made nor prescribed by any Act of Parliament, but onely by the Bishops and Prelates themselves, without any lawfull authority.

2. *Secondly*, Because, they are out of cases of Matrimony and Testament, wherein onely Ecclesiasticall Iudges can administer an oath by the Common and statute Law, and so they have no coulour of Authority or Iurisdiction, to impose and make such oathes, being point blanke against the Lawes, Statutes and Customes of the Land, and forecited Prohibitions.

3. *Thirdly*, Because they have no Letters Patents, nor Commission from his Majesty, under the great Seale, to administer or impose such oathes.

4. *Fourthly*, Because they administer them in their owne names and right (in which the likewise print and publish them,) not in his Majesties, nor by his authority, contrary to the Statute of 1. *Eliz. c. 1.* and their oath of supremacy and allegiance.

5. *Fifely*, Because the Articles which they force Church-wardens and others to present upon, by vertue of these Visitation oathes, are utterly unlawfull: contrary to the expresse Statutes of 25. H. 8. c. 14. 19. 21. 27. H. 8. c. 15. 3. and 4. E. 6. c. 11. 12. 13. *Eliz. c. 12.* with sundry other statutes, yea contrary their owne *Canons*, 1603. *Can. 1. 2. 12.* and King *James Letter Patens* before them; being set forth and published in their owne Right and names alone, without the Kings authority, License, and confirmation under his great Seale, and the As-

sent of the Convocation and * *Parliament*, without which
 18. E. 3. c. 2 no Articles, Canons or Ecclesiasticall Constitutions can be promulged,
 Stat. 2. H. 4. so binde the Commons and Laity, as these statutes with others
 c. 15. 2. H. 6. resolve.
 §. c. 7. *Ead-* resolve.
merus Hist.

Nov. 1. 3. 6. *Sixtly*, Because these oathes, are directly contrary to the oath of Supremacy and allegiance, tending to erect a usurped Ecclesiasticall Jurisdiction, not derived by Letters Patents from his Majesty, nor exercised in his name and Right, or by his Royall authority: and to subject his people thereunto; contrary to the Statutes of 25. H. 8. c. 14. 19. 20. 21. 26. H. 8. c. 15. 26. c. 1. 27. H. 8. c. 15. 37. H. 8. c. 17. 1. Ed. 6. c. 2. 1. *Eliz. c. 1.*
 38. 35. H. 8. to their p owne *Canons*, 1603. and contrary to their duty and
 c. 16. 36. allegiance to their Sovereigne.
 E. 3. c. 8. 2.
 H. 5. Stat.

2. c. 2. 7. *Seavently*, Because they are contrary to the Canon Law it selfe, and are but late encroachments. The first that ever attempted to administer an oath in Visitations, was *q* *Grosbend*, Bishop of *Lincolne*, An. 1246. before which time *Mathew Paris* records, it was never used here in *England*; and thereupon a *Prohibition* was directed to the *Sheriffe* of *Hertford*, to prohibe all *Laymen* to take any such oath, by the King, his Judges and Counsells speciall direction. Whereupon such oathes were never afterwards administered till Bishop *Bombers* time; the Canonists themselves resolving, that Visitors ought to visit without administering any oath. Hence *r* *Angelus de Clavasio*, a famous Canonist

r Summa
 Angelic. Tit.
 Visit. 2. See
 Gratian.
 causa 2.
 qu. 51.

Church. flourish about the yeare of our Lord 1480. expressly
 se Visit. resolve, that Bishops and Visitors in their visitations, ought to in-
 resse sta-quire of those things, which belong to their office, without oath, and
 4. E. 6. action; inducing the people to reforme those things that are amisse,
 g. James by wholsome counsailes, and by gentle perswasions, or reproofes,
 lished in as they shall thinke meet. And our great English Canonist
 authori- William Lindewood, about the yeare of our Lord, 1424. (though
 the Act grand advancer of Episcopall Iurisdiction within this Realme,)
 ut which determines positively: *¶ That Archiepiscopall, Episcopall, & Provinc.*
 promul- Archidiaconall visitations (which hee calls *solemne preparatorie* Const. l. 1.
 b others Inquisitionis;) are regularly made in generall, ET SINE De Constitu-
 EXACTIONE IVRAMENTI, and without the tionibus ex-
 action of an oath. If this be not sufficient, hee addes more- terior habi-
 over: *¶ That from the beginning, when a generall Inquisition is* tur, Sect. In-
 made in visitations, NON DEBET EXIGI IV- quirant.
 RAMENTVM, no oath ought to be exacted, by which any one f. 13. a.
 may be constrained to detect another mans secret sinne and offence; yet *De Iurejur.*
 after such time, (CRIMINA SINE IV- l. 2. c. Evenit
 RAMENTO RETINENTVR,) f. 80. b.
 that such crimes are presented without oath, to be corrected, the In-
 quisitor may then exact an oath, (ad prastandum de veri-
 tate Testimonium,) of witnesses to give testimonie to the
 truth; but not of Churchwardens, or Sidemen, to present any upon
 oath. Which joynt resolution both of *Angelus De Clavasio*,
 and *Lindewode*, not very many yeares before *Bonnors* visitation,
 are not onely an answerable evidence, that visitation oathes,
 and Articles of Inquire and presentments upon oath, are direct-
 ly unlawfull, as well by the Canon, as the Common Law; but like-
 wise a grant Argument to manifest, that the Popish Hellhound,
 Bishop *u. Bonner*, was the first that used, or imposed any such *u Fox Acts*
 Oathes and Articles, these Canonists not long before conclu- *Monum.*
 ding them unlawfull in point of Law, and unusuall in point of P. 1338.
 practice; as the first words of *Lindewood*, (*solemne preparatorie*
Inquisitionis, are regularly made in generall, and without the exaction
 of

x See Fox of an oath) insinuate. In all the x Articles of Inquiry and Injunctions, published by King Henry the eight, King Edward the 6. Monuments or Queene Elizabeth, and given in charge by their Visitors in their p. 999. general visitations, I finde no forme, nor mention of any oath, administered to Churchwardens, or any other, as there is in all Archbishops, Bishops, and Archdeacons Articles of inquiry, lately printed: therefore questionlesse they administered no oath, though they visited by Commission from the King himselfe. Queen Eliz. How then dare they now to enioyne and make such Visitation Injunctions, with Articles oathes as they doe, when as the Kings owne immediate Visitor to be inquired of in the first yeare of her raigne, did it not? In all the y Licenses and Letters Patents made to her raigne, Edward the 6. authorizing them to keepe Consistories and Visitations, and Inquiry of all Ecclesiasticall offences, there is no word or intimation that they should doe it upon oath, nor any Commission given them to make, or administer oathes to any.

¶ 13. the Therefore no doubt their visitation Inquiries were without oath, else they would have had some clause or other in their Patent to Robert, Archbisshop of Yorke. Patents to inquire upon oath. In the x Articles of Cardinall Poole, in Queene Maries dayes, for his Archiepiscopall Visitation, there is no mention of any oath to be administered to Churchwardens, Questmen or Sidemen. In the Canons made in Convocation, and printed 1571. there is not one word of an oath, nor any form of oath, prescribed for Churchwardens, or any others to take, or Bishops to administer: Yea in the Booke of Canons, made in Convocation, An. 1603. there is no forme of oath prescribed, inserted, or constituted for Churchwardens, Questmen, or Sidemen to take before their presentments; and the 113. and 114. Canons ordaine, that Ministers may present offences without oath; why not Churchwardens then as well as they? The a first man I reade of, who administered an oath of Inquirie in any Visitation kept in England, was that bloody butcher of Gods Saints, and Antichristian bandogge, Edmond Bonner; Bishop of London; who upon the eight day of September An. Dom. 1534. upon the coming in of Queene Mary, began his Episcopall Visitation, and

a Fox Ales Monuments p. 1338. there

therein charged 6. men in every parish, to inquire, according to their
 rules, (which hee had purposely framed and administred to
 them,) and to present before him, the day after Saint *Matthewes*
 being the 23. of September, all such persons, as either had or should
 offend in any of his Articles, which hee had set forth to the number
 of 37. (the first Articles, that ever any Bishop durst set forth in
 England, b except 5. Articles, published at Paulus Crosse by
 Archbishop Bourghiers command, An. 1455. to be inquired of
 in his Archiepiscopall visitation, but not upon oath, for ought
 appeares.) Never did any English Bishop, that I read of,
 administer any oath of inquiry before this bloodsucker Bonner;
 a fit Author for such an Antichristian Romish innovation; not
 seconded (for ought I finde,) till Archbishop Bancroft his
 Metropolitane visitation, who Anno 1604. published visitation
 Articles in print, to be inquired of upon oath; whose footsteps our
 Archbishops and Bishops since have followed, yea and
 * Archdeacons too, who now both make and print oathes and
 Articles usually in their owne names, to be taken and inquired
 of in their visitations every yeare without feare or shame,
 (though they incurre thereby a *Pramunire*,) as if each of them
 were a King and Parliament, to make and prescribe what
 oathes and Lawes they pleased, in contempt and Derogation
 of the Kings Crowne and Dignity, and of the Lawes, the
 customes of the Realme, which prescribe or warrant no such
 oathes or Articles; as the Prohibition formerly mentioned, and
 the Petition of Right expressly resolve.

b Antiquit.
 Eccles. Brit.
 p. 334.
 335.

* See this
 Oath before
 Dr. Pasches
 visitation
 Articles, a
 very large,
 strict and
 strange one.
 d 25. H. 8.
 c. 19. 21.
 1. E. 6. c. 2.
 3. and 4. E.
 6. c. 11.

8. *Eightly*, These visitation oathes are unlawfull, because
 they make a direct Alteration of the Common Law, in enfor-
 cing an oath on the Subjects in such cases, where the Law saith,
 they ought not to take an oath, and so bring in a bondage both
 upon their Consciences and persons, binding their soules over
 to damnation by reason of the sinne of perjury, and their per-
 sons to infamie, Ecclesiasticall Censures, mulcts, excommu-
 nications, and by consequence, to imprisonment upon a Ca-

e 11. H. 4. *pias Excommunicatum*, contrary to the expresse Statute
 37 Brooke Magna Charta, c. 29. That no man shall be taken, imprisoned
 Praemunire, or any way outlawed, or destroyed, but by the Lawfull judgement
 14 25. H. of his Peeres, and by the Law, (that is, the Common and Statute
 8. c. 14. 19 Law) of the Land : Now e neither the King himselfe, nor the
 21. 27. H. Pope, nor the Archbishops, Bishops and Clergy in Convocation
 8 c 15. 35. nor yet the King and they together, (much lesse then every Arch-
 H 8 c. 16. bishop, Bishop, or Archdeacon in their severall visitations
 20. H. 3. can alter the Common Law, or deprive the people, either of the Li-
 c. 9. 3. & 4. berty of their Consciences or persons, or make that an offence of a
 Ed. 6. c. 11. high nature, which by the Law before was none : (All or either
 6. H 7 c. 4. of which a f Parliament onely is able to doe, by a generall man-
 10. H. 7. drous consent both of the King and Realme,) Therefore they can
 23. 4. neither make nor impose any oath in their visitations, this being
 f 20. H. 3. the true ground, why & a Prohibition lies at. Common Law, to
 c. 9. 25. H. inhibit all such oathes.
 8. c. 14. 21. The Petition
 of Right,
 3. Carols.
 g Register,
 part 2. f 36. 9. Nimble, Because such oathes are directly contrary to
 b. Fitz. Nat. the ancient Rights and hereditary liberties of the Subject, as
 Bre. f. 41. a. resolved in the Petition of Right that all oathes are, which are
 Rastall A- warranted by the Lawes and Statutes of the Realme ; (which
 bridgemens Rights and Liberties every good & Subj:ct is bound in Conscience
 of Statutes, to maintaine against all unjust encroachments,) and because
 Prohibit. 5. they tend to the erection and supportation of an Antichristian
 g Gal. 4. 31. Episcopall tyranny over the very consciences and soules of men
 and c. 5. 1. not warranted, but directly oppugned, both by the Lawes of
 1. Kings, God, and the Realme, and to bringing in of such a meere arbit-
 21. 2. 3. rary Hierarchicall domineering power, as will make * every
 * See Rode- Bishop an absolute Pope, and as much, as a King and Parliament
 ricke Mors to enact, what Articles hee will ; and doe what hee list of his
 his complaint owne head, without consent, either of King and Parliament
 to the Par- For these oathes are onely for the maintenance and executing
 liament. of those Articles, which the Bishops and their officers set out
 ch. 23. 24. and print in their owne names, by their owne bare authority
 contrary to the Lawes and Statutes of the Realme, the King

Supremacy and Subjects Liberties; devised of purpose to imprison and captivate both Churchwardens, Sidemen, and all other his Majesties Subjects under them; to bring the whole Realme into a meere servitude and vassallage, to every Bishops pleasure; to bring in what Ceremonies, Religion, Rites, or Innovations soever they list without opposition, and enforce all to submit unto them, though directly contrary to Gods word, the Doctrine established in our Church, and the Statutes of the Realme. Now what good Subject or Christian, in point of Conscience can submit to oathes devised and pressed for such dangerous purposes, or directly tending to the introducing and propagating of such an exorbitant Episcopall tyranny?

10. Tenthly, Because these oathes are directly against the very Rules of charity and law of God; especially as they are now used: For the Articles, which are now adayes exhibited to Churchwardens and Sidemen to present on, by vertue of their oathes, without any favour, affection, or partiality to any person, whatsoever that is within their dangers, are meere snares and trappes, to intangle all good Ministers and people; and bring them into trouble in the Bishops Consistories, even for their conscientious and faithfull discharge of their severall ministeriall, or Christian duties, and their opposing, or not using of those Popish Superstitions, Ceremonies, Rites, Innovations, or Romish Arminian Doctrines, which they cannot submit to, use, or not oppose, even in point of Conscience; as their severall late Articles publickly manifest. Now what good Christian can, or dares take an oath, to present (upon such wicked Articles as now are usually published, his owne faithfull, painefull, conscientious Minister, his godly Christian Neighbours, kindred, brethren, freinds, that are most neerely lincked to him, to draw them into trouble, either to the losse of liberty, living, goods,

110. Psal. 140. 5. and 141. 9. and 142. 3. and 38. 12. and 64. 5. Jer. 22. 10. 9. Hab. 1. c. 15. Mar. 12. 13. Luke. 11. 54.

1. Cor. 13.

4. 5. 6. 7.

Ephes 4. 31

32. c. 5. 1. 2

15. Rom. 1.

29. 30. 31.

Phil. 4. 8.

1am. 3. 10.

to 18. c. 4.

11. 12.

Gal. 5. 13.

14. 15. 20.

c. 6. 1. 2.

1. Pet 1. 22

c. 2. 1. 2. 12

15. 16. 17.

2 Tim 3. 1.

Col. 2. 12.

13. 14. 15.

1. Pet 4. 8.

k Psal 119

5. 16. c. 18.

(yea all of them oft times,) and that onely for their well doing, at least for that, which is not apparently evill? Is this Christianity? Is this charity? Is this Religion? or rather the very fulfilling of our Saviours prædiction, *Math. 10. 17. 21.* But beware of men, for they will deliver you up to the Councels, and they will scourge you in their Synagogues: and the Brother shall deliver up the brother, and the Father the childe, and the children shall rise

1 Luke 21. 16. up against their parents: I And ye shall be betrayed both by parents and Brethren, and kinsfolke and freinds? Certainly the Godly Martyrs of old would never have taken such an oath, nor presented on such Inquisition Articles as these: For as they ge-

m Fox Acts and Monum. p. 951. 956 957. 960. nerally refused and declaimed against the oath and proceedings, *Ex officio*, to accuse and detect themselves, administered to them, by tyrannicall and bloodthirsty Popish Prelates, as Amichristian and illegal; so they utterly denied to accuse, detect, present, or informe against any of their Christian Brethren and Ministers unto the Bishops and their officers, as a worke more proper for the Devill, (the accuser of the Brethren, *Rev. 12. 10.*) then themselves, whose office they would not usurpe. Hence our wor-

** Fox Acts & Monum. p. 487. 488 See 495. 496. to like purpose.* thy Martyr, * William Thorpe, being examined before Thomas Arundell, Archbishop of Canterbury, *An. 1407.* refused, first of all to sweare by, or on a Booke, or to take an oath, before hee was informed what it was, hee should sweare to. And the Archbishop requiring him to sweare in all Diocesse where he came, to forsake and oppose the Sect of the Lollards, and to publish them and their names, and make them knowne to the Bishop of the Diocesse, or his Ministers, (the very oath in effect, that Churchwardens now take,) hee hearing these words thought in himselfe, that this was an unlawfull asking, and deemed himselfe cursed of God, if hee consented hereto; and then spake thus to the Archbishop: Sir, if I consented to you thus, as yee have here before rehearsed to me, I should become an appealer, or every Bishops espie, sent over all England. For, and I should thus put up, and publish the names of men and women, I should herein deceive full many persons; yea Sir, as it is likely by the doome of my conscience, I should herein be the cause of

the death both of men and women, yea both bodily and ghostly. For many men and women, that stand now in the way of Salvation, if I should for the learning & reading of their beleife, publish them therefore up to the Bishops, or to their unspiteous Ministers. I know some deale by experience, that they should be so distrubled, and diseased with persecution, or otherwise, that many of them (I thinke) would rather chuse to forsake the way of truth, then to be travailed, scorned, slandered, or punished, as Bishops and their Ministers now use, for to constrain men and women, to consent to them. But I finde in * no place of holy Scripture, that the office that yee would now enffosse me with, accordeth to any Preist of Christs Sect, nor to any other Christian man: and therefore to doe this, were to me a full noyous bond, to be bonden with and over-greivous charge. For I suppose, that if I thus did, many men and women would, yea Sir, might take an oath justly to my confusion say to me, that I were a Traytor to God and to them: since (as I thinke in mine heart,) many men and women trust so mikse in my cause, that I would not for saving of my life, Christian doe thus to them. For if I thus should doe, full many men and women would (as they might full truly) say, that I had falsely, and cowardly upon Bishops forsaken the truth, and slandered shamefully the word of God. For if I consented to you to doe here, after your will, for boncheife, or mischeife, that may befall me in this life, I deeme in my conscience, that I were worthy herefore to be cursed of God, and also of all his Saints: for which inconvenience, keep me and all Christian people, almighty God, now and ever for his holy name. So * John Lushall, An. 1558. * Fox AAs
being questioned before the Chauncellor both concerning himselfe, and Monum.
some others, that hee knew; answered, If you have any thing to lay to p. 1872.
my charge I will answer it; but I will have no other mans blood upon my head: refusing to accuse or detect any other. Hence also
our famous Martyr n John Lambert, being pressed upon his oath, n Fox AAs
to detect his fellowes, that adhered and resorted to him, denied that & Monum.
hee knew any such ad: ents in the matters objected to him: But p. 1023.
though I did, (saith hee) I would not, (except I knew that charity 1024.
frequired, which I doe not finde yet hitherto) detect, or betray any oFox AAs &
one of them, for no mans pleasure. So o John Warbecke, Mar- Monuments
tyr, p. 1108.
1109.

pFox Acts &
Monuments
p. 1646.
1651.
1660.

qFox Acts &
Monuments
p. 1843.
1844.
1845.

tyr being both by threats and allurements oft times urged to detect his other Christian Companions and their secrets to the Bishop of Winchester, absolutely refused to discover or accuse any of them, though hee might thereby have procured his liberty and saved his life, in so much, that Winchester said thus to his men, when hee came from Masse: This is a marvelous Sect, for the Devill cannot make one of them to betray another. So p Master Philpots fellow prisoners, refused to swear or give any testimony at all against him, neither would they accuse themselves upon Articles Ex officio, tendered them to answer to upon oath: Neither would Master Philpot himselfe discover his friend, that wrote a Letter to him, which came to the Bishops hands, though hee were urged to doe it, telling the Bishops, that they should never know of him who wrote it; neither would hee answer upon oath; to the articles Ex officio admmissred to him, to entrap him. So q Cuthbert Simpson, Martyr, Deacon of the Christian Congregation in London, though tortured and racked in the Tower, in a most cruell barbarous manner, would not discover any of those that came to the English Service: And being asier articted against, for being at assemblies and conventicles, where a multitude gathered together, to heare the English Service, and receive the Sacraments, and to discover, whether hee did not read service there, & app'ooove those things. Hee answered to this, that hee was not bound to answer to this article as hee beleived. If these Martyrs seeme factious and Puritannicall to our Prelates, I shall desire them to remember, that Master Hutchinson in his booke, intituled *The Image of God*, printed Cum privilegio, 1552. f. 40. recordes out of other Histories, That one Firmus, Bishop of Tagusta, when the Emperor sent his Officers, to search after a certaine Christian man, whom hee had hidden; hee being inquired for him, said, hee would not deny, but that hee had hidden him, because of lying; but that hee would never betray him; for which answer hee was grievously pained and tormented: but no paine could cause him to disclose where the man was. Whereupon the Emperor marveling at his stedfastnes and fidelity, delivered him: whose fact hee highly magnified. Moreover this

hath

hath beene not onely the constant practise, but likewise the
 Doctrine of our Martyrs, that one Christian ought not to accuse,
 detect or betray another, unlesse it be for some notorious Error, crime,
 Heresie, vice, or capitall offence, which is Master Tindals ex-
 presse Doctrine, and Master John Fox his assertion too, in sundry
 dry places of his Acts and Monuments; yea the Canonists them-
 selves affirme upon record, that no man ought to be compelled to
 accuse another, nor yet to take any oath, to that end or any other, un-
 lesse it be for the publike good in lawfull causes, the advancement
 of Gods glory, his owne, or his neighbours benefit, and that all oathes
 tending to the prejudice or corporall hurt of himselfe or his neighbour,
 or against any positive, or publike lawes, are unlawfull, and no
 wayes binding, yea utterly to be refused. And Pope Cornelius him-
 selfe confesseth, Nos Sacramentum ab Episcopis nesci-
 mus oblatum, NEC VNQVAM FIERI
 DEBET, NISI PRO RECTA FI-
 DE: & Sacramenta incauta fieri prohibemus,
 Wee never knew any oath administred by Bishops, neither ought it to
 be administred, but onely for the right faith, in point of purgation,
 when one is publikely accused, or Heresie; and wee prohibit incon-
 siderate oathes (as all visitation and Ex officio oathes are) to be
 made or administred: Which Decree of his, (inserted by
 Gratian, into the body of the Canon Law,) utterly subverts
 all visitation oathes, which antecede all accusations, and are not
 made or given in cases of purgation, concerning the orthodox
 faith. These visitation oathes, therefore being thus directly
 contrary to the positive Lawes and Statutes of the Realme, the
 publike good of Religion; the Rules of Christian charity, and
 purposely to ensnare men in the Bishops traps, for the advan-

1872. 1873. 1934. & Gratian. Caus. 16. Quest. 5. c. Non frustra.
 Quest. 4. Summa Angel. Accusation. 4. Iuramentum 3. Sect. 7. & 5. Sect. 7. 23.
 n Causa 2. Quest. 5.

cing of their owne usurped Antichristian Jurisdiction, and of such ill beginning and dangerous consequence, no good Christian, or Subject, can or ought to take them, but utterly to withstand and refuse them as illegall, in all these respects, as they were adjudged in Master Whartons case, by Sir Edward Cooke, and all the Judges of the Kings Bench, in the third yeare of King James: who being Churchwarden of Blackefriers Church in London, and excommunicated, and imprisoned upon a *capias excommunicatum*, for refusing to take an oath, to present upon visitation articles, was upon a Habeas Corpus brought by him, discharged by the whole Court, both from his imprisonment and excommunication: because the oath and articles were against the Lawes and Statutes of the Realme, and so might and ought to be refused: Which oath now commonly runnes in this forme: * You shall sweare that you and

* See Bishop Laudes, Bp. Mountagues, Bp. Wrens, and other Bishops & Archdeacons visitation Articles. * This clause was not in their oathes, till now of late.

every of you, shall duly consider, and diligently inquire of all and every of these articles given you in charge: and that all affection, favour, hatred, hope of reward and gaine, or feare of displeasure or malice set aside, you shall present all and every such person, that now is, or of late was within your Parish, or hath committed any offence, or made any default, mentioned in or any of these articles, or which are * vehemently suspected, or defamed of any such offence or default, wherein you shall deale uprightly and fully, neither pre-
senting nor sparing to present any, contrary to truth, having in this
Action * God before your eyes, with an earnest Seale to maintain
truth and to suppress vice. So helpe you God and the holy contents
of this Booke.

* Had they God before their eyes, they durst not take such an Oath, as this to bring Custome to the Prelates will, and ensnare their godly brethren with their owne Soules and Consciences.

II. Finally, These visitation oathes, ought utterly to be abandoned, because they are an ordinary occasion of very much perjury; there being scarce one man that takes them, that either can or doth sincerely and fully discharge them, the Articles and

severall

severall clauses of them, being so various for matter, so name-
 ous for multitude; so opposite to Law, and the Oath of Alle-
 giance, as appeares by *Bishop Wrens* late Articles. As therefore
 the Fathers and others upon *Matthew* and *James* the 5. with
 some of our owne, *Martyrs* generally condemne all Booke y^e Fox *AEIUS*
Oathes, with the enforcing of men to sweare, unlesse in cases of great Monuments
 moment, and absolute necessity, to avoyd the danger of perjury, both P. 495. 460
 in the swearers, compellers; and officers that give the Oath, as 7 Six- 461.
Senensis, hath largely manifested out of the Fathers owne *Sanctae* l. 6.
 words: And as the second Synod of *Cabilonium*, under *Charles* Annot. 26.
 the Great, An. 813. c. 13. 14. 18. inhibits men to be constrained 7. 433.
 to take an oath in causes of *Tithes*, by reason of the danger of perjury, 434. 435.
 in these ensuing words: Qui vero decimas post crebras
 admonitiones & praedicationes sacerdotum dare ne-
 glexerint, excommunicentur; IVRAMENTO
 VERO EOS CONSTRINGI NOLV-
 MVS PROPTER PERICVLVM
 PERIVRII: and likewise prohibits Ministers to take,
 and Bishops to give any oath of Canonically obedience for the
 same reason, in these termes: Dictum est interea de qui-
 busdam fratribus, quod eos, quos ordinaturi sunt, ju-
 rare cogant quod digni sint, & contra Canones non
 sint facturi, & obedientes sint Episcopis, qui eos or-
 dinat, & Ecclesiae in qua ordinantur, QUOD
 IVRAMENTVM, QUIA PERICV-
 LOSVM EST, OMNES UNA IN-
 HIBENDVM STATVIMVS.
 Though both these oathes tend to the advancement of the
 Bishops Jurisdiction and profit. So by the selfesame reason,
 these visitation oathes must needs be concluded to be unlawfull,
 intollerable, (and those *Ex officio* too, in which men are over
 prone, rather to perjure then betray themselves,) because they
 are the occasion, not onely of much, rash, and inconsiderate

a Hosea 42.
3.

swearing, but of much perjury likewise, *a* which makes the whole Land to mourne, and precipitates many into hell, who might have lawfully and with much comfort have refused them, as contrary both to the Lawes of God and man.

To mention all the particular encroachments of the Prelates upon the Subjects Liberties, besides those here forecited, were an endles worke; requiring rather many folio volumes to comprise them, then a breife Epitome, unable to containe them, wherefore pretermittting them till some fitter occasion, I shall close up this Breviate, with a summary relation of those penalties, which our Prelates and their Officers have incurred by them, not so much in respect of the particular persons, they have injured and oppressed; who may right themselves by Prohibitions, Actions of the case, False imprisonments, and Indemnities, according to their severall cases, even at the Common-Law; as in regard of his Majesty, whom they have most injured and affronted, who may justly proceed against them for these their exorbitances and encroachments, either by *Indemnities* in the Kings Bench, or by *Informations* in the Star-chamber, or by *Attachments* of their bodies, and seisure of their temporalties, or else by a *Premunire*, the most proper remedy, as the ensuing *Prefidents* and Law cases will demonstrate. In *b* *Rastals* Abbridgement of statutes, Title Provision and Premunire, wee may see, as in a Mapp, how all those who shall purchase Provisions or Bulls from Rome, or derive any Ecclesiasticall or temporall Authority thence, or shall exercise any Ecclesiasticall Jurisdiction, or Authority by his owne inherent, or usurped power, or by any forraigne or domestique Ecclesiasticall authority, not derived from the King, by Letters Patents, or sue any man for temporall things, determinable in the Kings temporall Courts, before any ordinary or spiritmall Judge, or attempt any thing meerely against the Kings Crowne, and regality used and approved in the time of his progenitors, shall or ought by Law, to incur a *Premunire*, for all and every of these misdemeanors, as the severall Acts there cited, proove at large.

Which

b See likewise
22. H. 8.
c. 15. 3. & 4
E. 6. c. 11.
1. Eliz. c. 1.
5. Eliz. c. 1.
27. Eliz. c. 2.
23. Eliz. c. 1.
& Fitz. &
Brooke. Tit.
Premunire.

Which our LawBookes thus second: In 5. Ed. 4. 6. Fitz. *Pramunire* 5. and Br. 12. *Cromptons Jurisdiction of Courts*, f. 97. a. it is agreed, that if a man be sued and excommunicated in the Bishops Court, for a thing which appertaines to the Common Law, that a *Pramunire* lieth: for the words of the statute of *Pramunire* are, If any sue in the Court of Rome, or *E L S E W H E R E*, which is intended in the Bishops Court; and so saith Fitzherbert, it was then adjudged, as also Pasche, 11. H. 7. which himselfe heard and observed. So *Sant Germin*, in his Booke called *Doctor and Student*, l. 2. c. 24. 32. f. 106. 119. and Br. *Pramunire*, 16. accord; That if any man sue for a Lay thing in the spiritual Court, which belongs not to Ecclesiasticall Jurisdiction; as for debt against executors on a simple case, especially if hee be excommunicated, may sue a *Pramunire facias*, as well against the party that sued him; as against the Judge, and hee ought to be assoyled gratis, 21. E. 3. 60. a. *Cromptons Jurisdiction of Courts*, f. 97. a. and Br. *Pramunire* 21. If a Bishop visits or intermeddle with a donative, which is a Lay thing, (as the Archbishop would now visit the Colledges of Cambridge, all of them Lay things and corporations, many of them of the Kings ancestors Royall foundation, and † so exempt from Archiepiscopall, as well as Episcopall visitation, and the residue having their peculiar Visitors, appointed by their Founders, by the Kings ancestors speciall license, and so not to be visited by any other,) hee incurreth a *Pramunire* by sit f. 344. it; as did Barlo, Bishop of Bath, and Welles in the time of King Edward 2. 25. H. 8. ward the 6. for visiting the Deane and Chapter of Welles, and de- c. 21. priving the Deane; and William Bateman, Bishop of Norwich, for visiting the Abbatie of *Sant Edmonds Bury*, * for which temporalities * *Ioannes* were seized into the Kings hands, and hee fined 30. talents of gold to Anglica Hist. Avic. the King, amounting to no lesse then three thousand poundes: And the c. 49. & Ca- Archbishop of Canterbury questionlesse hath done now by vi- tal. Cancell- larior. &c. siting fundry Donatives and Peculiars, as Archbishop of Can- in Academia terbury onely, not as the Kings Visitor, Anno 44. Edw. 3. 36. in Aula Br. *Pramunire*, 5. If a Vicar leave his Vicaridge, for yeares or life Cant. Trinitat. rendring rent, and sue in the Ecclesiasticall Court for the rent, a

Pramunire lyeth, because the rent reserved is a Lay thing: So 101.
 H. 7. 9. Fitz. Imprisonment, 28. The Bishop of Durham,
 punished his Clerkes in a *Pramunire*, for suffering a man, so sue in his
 spiritual Court for temporall causes. In 7. H. 8. Keilway, 183.
 184. Doctor Standish was cited and convented before the Convo-
 cation for affirming, that the exemption of Clergy men from tem-
 porall Jurisdiction was not *De Iure Divino*; & that positive Eccle-
 siasticall Lawes and Constitutions bound none but those, who volun-
 tarily received them: that the studie of the * Canon Law was to
 be rejected, because it controulles Divinity it selfe; whose hand-maid
 it is. That Laymen might without sinne punish any Clergy men,
 by reason of the negligence of the Prelates; and that so little of the vo-
 lume of the Decrees did bind Christians, and no more then one might
 hold in his fist, upon this Citation, all the Judges of England, the
 Kings Councell; spiritual and temporall, and drivers of the Parlia-
 ment met together at Black friers: where after full debate of the
 cause on both sides, they all joyntly and fully resolved, that all those
 of the Convocation, who had their handes in a warding the said Cita-
 tion against Doctor Standish, for maintaining the Kings temporall
 Jurisdiction, wherein the case of a *Pramunire facias*: Anno
 1514. Richard d Humne, a Marchant-Tayler in London, by
 the advise of his learned Councell at Law, pursued a *Pramunire*
facias against Thomas Drifeild, Clerke, person of Sant Mary
 Matison, for suing him in the spiritual Court, for his childes
 Bearing-sheet as due unto him for a *Mortuaris*, and likewise
 against all his ayders, proctors, counsellors and abettors; which
 when the rest of the Priestly order heard of, they greatly disdain-
 ing, that a Lay-man should enterprize such a matter against any of
 them: and fearing also, that if they now should suffer this Priest
 to be condemned at the suit of Humne, there would be thereby ever
 after a Liberty opened to all others; and that this might proove a
 fatall blow unto them; to prevent this eminent danger, they mali-
 ciously accuse this Humne, unto Richard Fitz James, Bishop of Lon-
 don, who to satisfie the revengefull bloody affection of his Chaplaines
 convented him to the Lollards Tower at Paules, where by Doctor
 Horsfes

c See 25. H.
 8. c. 14. 22.
 E. 4. c. 5. 36
 E. 3. c. 8. ac-
 cordingly.
 * Note this,

d Halls Chbro.
 f. 50. Keil-
 way.
 f. 182. a.
 Fox ARS &
 Monuments
 P. 737-738

Horsfes
 curren
 storie
 large
 Wool
 of the
 Juris
 the K
 King
 and ch
 Chan
 whole
 nerall
 all or
 power
 for co
 Lord
 before
 an hou
 thous
 of all
 the w
 prom
 head
 fore-
 dred
 pard
 8. c.
 Juris
 usur
 right
 der t
 fiafte
 own

Horses the Bishops Chancellours, and other his adverseries procurement, hee was cruelly murdered and strangled to death, the Horse, carriage, and proofen, of which barbarous murder are at large recorded by Master Fox. Anno 21. H. 8. Cardinall Woolsey, in the ruffe of his pride and power, was upon the complaint of the Lords attainted in a *Premunire*, for exercising Ecclesiasticall Jurisdiction by a power Legantine, not by a power derived from the King: and for causing the Cardinalls Hat to be put on the Monuments Kings coyne: whereby hee forfeited all his lands, tenements, goods, and chattels to the King, and was thrust out of his office of Lord Chansellour, and out of Court and favour to his ruine. And the whole Clergy, with all the Prelates, spirituall Judges, Vicars generall, Chancellours, Commissaries, Officialls, Rurall Deanes, and all other their Ministers, who ever supported and maintained his power Legantine, were likewise every one of them in a *Premunire*, for consenting and submitting therunto; whereupon the spirituall Lords were called into the Kings Bench, to answer therunto: but before their day of appearance, they in their Convocation concluded an humble submission in writing, and offered the King an hundred thousand pounds to be their good Lord, and also to give them a pardon of all offences, touching the *Premunire* by Act of Parliament; the which offer with much labour was accepted, and their pardon promised: In this submission the Clergy called the King supreme head of the Church of England; which thing they never confessed before. Upon this their submission, and the grant of an * hnn * Master dred thousand poundes to the King, to purchase their pardon, the Fox saith pardon was granted them in Parliament, as the statute of 22. H. 118840. p. 8. c. 15. declares.

Our Prelates and Officialls now exercise an Ecclesiasticall Jurisdiction, if not by a power Legantine, yet at least by a usurped authority of their owne, in their owne names and rights, without any Patent or Commission from the King under the great Seale, and they stamp and coyne the Kings Ecclesiasticall proces, (as much his by Law as his coyne,) with their owne names and Seales too, having commonly a Bishops Miter

in or over them (a greater offence then the Cardinals stamping onely his Cardinals cap on the Kings coyne,) and all the Clergy of England have submitted to this their power, proces, proceedings, and many Laymen too. Why then all our Prelates and their Officers should not now be attainted in a *Præmunire*, for these their intollerable insolencies, and proceedings, to the losse of their Bishopricks, lands, goods, chatles, liberties, and why all those Clergymen and others, who have willingly submitted to, and maintained this their usurped Iurisdiction and Proceedings without resistance, should not likewise redeeme their exemption from a *Præmunire*, at treeble the rate that these Clergymen did, (their livings being treeble theirs in value?) I see no cause in Law, Iustice, or Conscience, Hill. 25. H. 8. *Coram Rege*, Rot. 15. Richard Nyx, the blinde Bishop of Norwich, was attainted in a *Præmunire*, and judgement given against him, that hee should be out of the Kings protection, and his tenements, goods, and chatles, forfeited to the King, and his body taken and imprisoned, during the Kings pleasure, for citing Richard Cokerell, Major of Thetford, and Robert Fykes, and William Hues of the same Towne, to appeare before him in his Consistory, to answer to some Articles, concerning the metie Salvation, & Reformation of their Soules; and enjoyning them under paine of Excommunication, to call before them a Jury, which had presented before them a Custome of the said Towne; That the Tenants of the King, and of the Duke of Lancaster inhabiting within the same; by an ancient custome time out of minde, should not be drawn into any Court Christian, for any spirituall cause, but onely for the Deane of Thetford; and that if any person should prosecute any of them, or serve them with any Citation out of any other spirituall Court, hee should forfeite 6. s. 8. d. for the same, and to cause them to revoke, and disannull this presentement in open Court, to the manifest contempt of the King and his Lawes, and the derogation of the Iurisdiction, and prerogative of his Royall Crowne, in intermeddling both with persons exempt, and for things done legally before them in a temporall Court. This Bishop was likewise fined for this his contempt, and the Glasse

w:ndover

windows of Kings Colledge Chappell in Cambridge, as Catalogus
 Cancellariorum, &c. in Academia Cantuariensi, Collegium Regis
 iustitiae) glased with this his fine. Not long after this *Trin. 36.*
H. 8. Rot. 9. William Whorewood, the Kings Atturney, ex-
 hibited a Bill of Præmunire, against Arthur Bulkeley, Bishop of
 Bangor, and John Lewes, alias Vaughan, Vicar of Llan-Geyn-wyn,
 and Llandgaffe, who were both attainted in the same Præmunire, and
 like Judgement given against them, as against Bishop Nix. The
 case, as it appears by the record it selfe, was this; King Henry
 the eight, being Patron of the Parish Church of Llan-Geynwyn,
 and Llandgaffe, in the County of Anglice, the 10. day of July, in the
 34. yeare of his raigne, presented one John Gwynoth Clerke, being his
 Chaplaine, therunto; who after his institution and induction, sold
 into Reefwyn, Peter Could and others of the said Parish, the 23.
 day of July in the foresaid yeare, divers parcels of Tithes after they
 were severed from the ninth part for 21. p. to be payed upon their
 severall hands at a certaine day: and albeit, (so much the words
 of the said Bill of Præmunire.) all Places of Debt; Quare im-
 pedit, and of Trespasse for taking away of Tithes severall, from
 the ninth part, Quare non admittit; Quare incum-
 bravit; and of Right of the Advowsons of Churches, and the
 Courzans of all such plects happening within the Realme of England,
 belong to our Sovereigne Lord the King, his Imperiall Crowne and
 dignity, and not to the Roman, or any other Court Christian; or
 to any Prelate or Ecclesiasticall person, and ought to be examined,
 tried, and judged in the Court of our Lord the King, and not in any
 Court Christian by the Lawes and Statutes of this Realme; albeit
 such Actions have beene often and unjustly impoyrayed and pro-
 secuted in the Courts Christians, within this Realme of England, by
 the Popes Law, and some other Constitutions, Ordinances and Ca-
 nons, Provinciall, or Synodall, formerly made and provided in the
 times of the Bishop of Rome, and by the Ecclesiasticall Court, with-
 in this Realme of England; not onely prejudiciall to the Imperiall and
 Royall Prerogative of our Lord the King, and repugnant to the
 foresaid Lawes and Statutes; but likewise very burthensome and de-
 gatory

some of the said day, apparelled and adorned to celebrate Masse,
 standing at the High-Altar, within the said Church, and turning
 himselfe to some of the parishioners there present, openly and publike-
 ly with a loud voyce, then and there declare and pronounce, the said
 Reesewyn, Peter Could and others, to be excommunicate, & to be ex-
 cluded from all Divine Services; and did then and there command
 them to goe out of the said parish Church, or else hee would not cele-
 brate Masse; By reason of which premises the said Reesewyn, Peter
 Could, and others being excluded and excommunicated from all Di-
 vine Service, departed out of the said Church, and so continued, ex-
 pelled, and excommunicated, untill they by the Mandate of the said
 Bishop, within the Diocesse aforesaid, upon the 15. day of August
 in the foresaid 34. yeare, appeared before the said Bishop, and by
 cōcession of the said Bishop, and before hee would absolve them, were
 constrained to seale and deliver divers written obligations to the use
 of the said Bishop, for the foresaid Tithes, formerly sold unto them in
 maner & forme aforesaid, by the said John Gwynoth, and the foresaid
 Arthur, Bishop of Bangor, and John Lawes have thus unjustly
 don, all the premises, formerly objected against them, with all their
 might in the foresaid maner and forme, to the manifest enervation,
 aduilitation, and derogation of the Imperiall Jurisdiction of our
 Lord the King, and the subversion of the foresaid Lawes and sta-
 tutes, and also to the extolling, maintaining and promoting of the said
 ancient usurped Jurisdiction, and seined power of the Bishop of Rome,
 and of his See, and of the Ecclesiasticall Court, and to the great
 dammage of the said Reesewyn, Peter Could and others, and in con-
 tempt and prejudice of the said Lord our King, and also in derogation
 of the Imperiall dignity, Jurisdiction and Prerogative of his
 Royall Crowne; and contrary to the forme of the foresaid statutes and
 Lawes. Thus the record it selfe relates the case: upon which
 both the Bishop and Vicar were attained, and such Judgement
 given against them, as in other cases of Premunire. By which
 two notable records, and the forequoted Lawbookes, it is ap-
 parant, that the Prelates encroachments upon the Kings Prero-
 gative Royall or Subjects Liberties, either by advauncing or re-
 viving

viving the Canon Law, and Popes Decrees; (as our Prelates and their Officers now every where doe; which appears by their practises, speeches, late introduced Popish Ceremonies of bowing to Altars, and at the name of Iesus, turning Communion Tables into Altars, and placing them Altar-wise against the East end of the Quire, standing up at *Gloria Patri*, and the Gospel, praying towards the East, and such like superstitions prescribed onely by Popish Canons, with some late printed *Civill & Canon Law Bookes*, and *Calixtus*, *Downing*, *Discombe* of the *State Ecclesiasticall* of this Kingdome, *Oxon.* 1637. with *M^r Shelfords* 5. *Treatises* Cambridge, 1635. and the owne late printed visitation Articles, everywhere abundant evidence,) or by making, publishing; and promulging; by their owne power an Authority; onely without the approbation and consent of King and Parliament; new Canons, Articles, Ordinances, Constitutions, Rites or Ceremonies, contrary to the Lawes and Statutes of the Realme; different from those prescribed in the Booke of Common Prayer and Homilies; all our Prelates, Archdeacons and their Officials now dayly doe in their Visitations and Consistories,) or by holding places of things properly belonging to the Kings temporall Courts of Justice in their Ecclesiasticall Courts, (as they dayly doe,) now among us in cases of prescription for Tithes; manner of Tithing, enforcing of men, to proove wills, deviding Landes of Inheritance, by witnesses in their Courts, and not in Chancery Actions of Battery, and of the peace betweene man and wife by way and under the name of Alimony, sequestering of men goods and livings, and depriving Ministers of their freeholds in cases not warrantable by Law, fining of men for contempt, and impleading them for Debts, Trespasses, Defamations, and other offences, punishable onely at the Common Law; and by divers late devices, to engrosse into their hands the Tryals of rights and Patronages, glebelands, Tithes, and the like; by collaterall strange preferences, and putting both Ministers and Laymen from their callings; being their freeholds; and lively

† *Really with others,*

as they have done many of late, contrary to the Com-
 mon and Statute Law;) or by hindring, stopping, or com-
 peling men by excommunications, or otherwise, to give over
 or release their suites at Common Law; by staying the course
 of Prohibitions and Canon Law, Iustice against their unjust pro-
 ceedings, (as our Prelates and their Officers have lately done
 with a most insolent and high hand, both by frequent com-
 plaining against the Iudges for granting Prohibitions to their
 Courts, in cases not appertaining to them, where they have
 bene usually granted in all former ages; in conventing and
 troubling them for the same, before the King and Councell,
 where themselves are a great party, and beare sway in threat-
 ning and worrying them, that they dare not grant Prohibitions;
 in excommunicating; fining, persecuting and imprisoning both
 in their Consistories and especially in the High-Commissions,
 (the cheife use whereof is now onely to advaunce, protect, and
 defend their owne usurped Ecclesiasticall Episcopall Iuris-
 diction, power, extortions, exactions, innovations, and to crush
 all such, who any where dare oppose, or prosecute them for the
 same in any of his Majesties temporall Courts, a thing well
 worthy his Majesties, his Counsels and Iudges most serious con-
 sideration;) all those who oppose their desperate Innovations,
 and dangerous late insolent encroachments, upon his Majesties
 Prerogative Royall, his Lawes, his temporall Courts of Iustice,
 and his Subjects Liberties, and either sue for Prohibitions, or
 indict them, or bring their Actions of the case, or false impris-
 onment against them at the Common Law, to release them-
 selves against their injustice and encroachments, enforcing them
 by threats, power and unjust vexations, excommunications,
 censures, imprisonments, stop of their Legall proceedings, by
 threatening: (and imprisoning) their Councell, Soliciters, At-
 turnies, Iudges, and other such violent and unjust meanes, to
 give over, or release their Actions against themselves, and their
 Officers, as appears by the late cases of *Master Hamly*,
Master Smart, *Stephen Buckell*, *Master John Ebery*, the

* 9. Caroli.
Mistru
Blaughten
against
Doctor
Marryn.

Churchwarden of Ipswich; and a Gentlewoman of Devonshire, neare Totnes, * who brought an Action of the case in nature of a conspiracy against the Commissary of Totnes, even for rayling a fame of incontinency of her, and then persecuting her in his Court for the same, onely because shee refused to marry him; which foule practise being fully prooved by sundry testimonies at the Assises of Exeter, 9. Caroli, upon a full hearing, and the Jury thereupon giving her great Damages; the Judge by this Commissaries, and the Archbishop of Canterburies meanes, was sent for before the Councell Table, and there so rattled and shaken up by the Archbishop for suffering this just cause, (which much concerned the Church as was pretended,) to proceed, that hee protested, hee was almost choaked with his lawne sleeves, and forced to stay the returne of the Postea, so that the injured and oppressed Gentlewoman could have no judgement upon her verdict, and was constrained to relinquish her suite. Such is our Prelates Iustice and zeale to defend the very knavery of their Officers; or by keeping their Courts, Consistories, and making out their proces, citations, excommunications, probates of wils, letters of administration, writs of Jure Patronatus, and so forth in their owne names, and under their owne Seales, not his Majesties, (as our Prelates and their Officials alwayes doe:) or by excommunicating his Majesties Subjects, without just and Legall cause, and in undue maner, (as our Bishops and their Officers dayly doe,) are for all and every of these encroachments, within the danger and compasse of a *Pramunire*. Our present Prelates and their Officers therefore being deeply guilty of all and every of these usurpations, and encroachments, both upon the King and Subject, are in all and every of these respects within the verge of a *Pramunire*, which they more justly deserve then either these, or any other of their Predecessors ever did, all circumstances of persons and times duely considered; and therefore I trust shall not escape what they so well merit.

These writs of *Pramunire*, being the cheifest curbs to re-
straine

traine the Prelates, Clergies and their Officers encroachments,
 ambitious disloyall Antichristian usurpations, practises and de-
 signes, the cheife security, both of the Kings Prerogative
 Royall, the Subjects Liberties, and the Common-Law; against
 Innovations and treacherous underminings, have beene al-
 wayes so irkesome and distastfull to their aspiring domineering
 practises, that they have oft times both by Petitions, perswa-
 sions, pollicies, bribes and threats, endeavoured to suppress
 them, that so they might play *Rex* in every place without con-
 trole, and captivate both King and Subjects to their pleasures,
 yea engrosse the conusans of all plees and Actions by Degrees
 into their owne hands and Courts, as they did for the most part
 all temporall offices, the better to play this prize. *In the yeare of*
our Lord 1439. after the burning of Richard Wicke, Martyr,
Henry Chicheley, Archbishop of Canterbury, called a Convoca-
tion, wherein was propounded among the Clergy, to consult with
themselves, what way was best to be taken for the remooving away
of the Law of Præmunire facias, by reason whereof the Churchmen
at that time were greatly molested, and also by other the Kings
Writs and indilements, to their no small annoyance. After long
consultation and good advisement; at last this way was taken,
that a petition or supplication should be drawn and presented to the
abolishing of the foresaid Law or Præmunire facias, and also for the
restraining of other writs and indilements, which then seemed to lie
heavy upon the Clergy, and to the end, that the said Petition might
take good effect, the whole Convocation granted the King a tenth be-
fore the Delivery thereof, and likewise promised, that they would
most apply, furnish and assist him to their power with supplies, if hee
would abrogate those hard Lawes of Præmunire; wherewith the
Clergy were oft times caught and entangled as in unjust snares, and
sometimes upon unjust occasions, as they pretended. This Bill
being thus contrived, and exhibited by the Archbishops of Canter-
bury and Yorke, to the King, then standing in need of a Subsidie to
be collected by the Clergy, this answer was given to the supplication:
in King Henry the 6. behalfe, being then but 19. yeares of age; thus

when the King came to full age, he would take care, that the Clergy should not be urged with such hard Lawes and Actions; but in the interim hee could not conveniently change the Lawes that were formerly made: and for so much as the time of Christen was then draw neere, whereby hee had as yet no sufficient leisure to advise upon the matter, hee would take therein a further pause, in the meane time, as once tending their quier, hee would send to all his Officers and Ministers within his Realme, that no such breif of Præmunire, should passe against them, or any of them, from the said time of Christen, till the next Parliaments. This Antiquitates Ecclesie Britannie p. 323. and Master Fox Acts and Monuments, p. 645. record, whose words I have conjoynd: After this, the next Parliament following, the whole Clergy of England, assembled in Convocation, petitioned the King, against the Judges and Lawyers, for confining them and their Comes onely to causes of Tithes, Mortuaries and Testaments, both by prohibitions and writs of Præmunire, if they went but one inch beyond their bounds and Jurisdiction, which penalty of a Præmunire did exceedingly terrifie and perplex the Prelates, in which if they were convicted, they forfeiged all their goods and were to be perpetually imprisoned; informing the King how they strained the words of 16. R. 2. c. 5. (That if any purchase or pursue, or doe to be purchased and pursued in the Court of Rome, or E. L. S. E. W. H. E. R. E. any such translations, proceses, sentences of excommunications, bulls, instruments, or any other thing, which touch the King, against him, his Regality, his Realme &c.) even to their Ecclesiastical Courts; desiring, that the King and Parliaments, would be pleased to interpret the word E. L. S. E. W. H. E. R. E. not of their Courts, unlesse where they proceeded against the Kings expresse prohibitions; and that they might not have their Ecclesiastical Jurisdiction so restrained with Prohibitions and Præmunires, and that the temporall Judges might incur a Præmunire too, for encroaching upon their Ecclesiastical Jurisdiction and causes, as well as they for encroaching upon the temporall Jurisdiction and causes; But this Petition likewise had ill successe, and the Judges proceeded and interpreted the word

E. L. S.

f Antiquit.
Eccles. Brit,
p. 326. 327.
328.

ELSEWHERE, of their Consistorial Ecclesiasticall, as be-
 fore 6 An. 1463. The Clergy in Convocation petitioned King ^{Antiquit.} Edward the fourth to like purpose, who granted them to hold plea ^{Ecclesi. Brit.} of Tithes, of woads above 20. years growth, without incurring a
Præmunire; but for holding plea of temporall causes, or of things
 of which they had no lawfull consens, a **Præmunire** still lay against
 them as before, as sundry precedents and authorities forequoted,
 with others testifie, ^h as it doth for suing in the Admiralty for ^{b16 R. 2.}
 any cause triable at the Common Law in any of the Kings Courts c. 5. lib. In-
 of Westminster. By the very Common Law it selfe, if a Bishop ^{rationum.}
 hold plea in his spirituall Court of Lands, Debt, Rapes, or anyf. ^{24. Admi-}
 thing belonging to the temporall Courts of the King, or not within ^{ralty 3.}
 the compasse of his spirituall Jurisdiction, an Attachment upon a ^{f. 46c. Ad-}
 Prohibition lieth against him for it; in which the party grieved shall ^{miral. 1.}
 recover his Damages against him, and hee himselfe shall have
 his temporalties seised into the Kings hands, if not his body im-
 prisoned; and though no Prohibition were de facto delivered to him,
 yet an Attachment well lieth, because the Statutes and Common
 Law themselves are a Prohibition in this case, all which hath beene
 frequently resolved by 21. E. 3. a. 10. 11. a. 38. 40. 28. E. 3. 92. fol. 18. pl. 8.
 a. 30. E. 3. 11. 39. E. 3. 7. M. 11. E. 3. Fitz. Attachment,
 sur Prohibition 8. 13. Hill. 33. E. 3. Fitz. Ibid. 14. Pasc. 20.
 E. 3. Excommunication 9. 8. E. 3. 49. 40. E. 3. 17. 50. E. 3.
 10. 9. H. 6. 56. 61. 19. H. 6. 54. 1. H. 7. 18. 2. H. 7. 8. Fitz.
 and Brooke Tit. Attachment, sur Prohibition. But. Nat. Brev.
 f. 40. 41. 42. 43. with sundry other Law Bookes: Why this At-
 tachment likewise should not lie, as well as a **Præmunire**, against
 our Bishops, Archdeacons and their Officers, for their exorbi-
 tant proceedings, both in their Consistories, Visitations, and
 High-Commissions, and intermedling in such causes, whereof
 they have no lawfull consens or Jurisdiction, I yet see no ground
 or reason: I find in 21. E. 1. in the pleaes of the Parliament plac.
 17. and in Dorset Glouc. 21. E. 1. m. 3. that John Archbishop of
 Yorke Excommunicated, and thereupon imprisoned William of
 Willicon, and John Romain servants to the Bishop of Duresme.
 (during

(during the Bishops absence) in the Castle of Duresme, for a temporall thing, not belonging to Ecclesiasticall consians: to wit, the Custody of certaine Lands, to which the Archbishop pretended right; the Archbishop refusing to absolve and deliver them, they thereupon complaine against, and sue him in Parliament; where the cause was pleaded and debated at large: at last upon great deliberation it was resolved by the whole Parliament, that the Archbishops Excommunication of them for any temporall matter was a contempt of the King, to the disherison of his Crowne and Dignity: and thereupon the Archbishop by the whole Parliament, though great mediation and freinds were used in his behalfe, was adjudged to be imprisoned, and to submit himselfe to the King, and fined 4000. markes, (a great summe in those times:) whereupon using many and great Freinds to the King, to pacifie him for this offence, hee voluntarily came in, and made his submission for the same, and acknowledged a recognizance to his Majesty of 4000. markes, towards the satisfaction of the fine, as the Records at large expresse. Why our present Bishops and their Officers should not thus be roundly fined and censured, for excommunicating, fining, imprisoning, inflicting temporall Censures, and punishments on his Majesties Subjects, both in their Ecclesiasticall High-Commissions, and Consistories; holding plea of cases, not pertaining to their spirituall, but to the Kings temporall Courts, blocking up the free passage of Prohibitions, & their other dayly affronts to Common Law and Iustice, is a question past all their skill to resolve, and worthy to be demanded, if not reduced to execution. Among the presentments in Eyre, An. 3. E. 1. I finde some Ecclesiasticall persons presented for suing, and others for holding plea in the spirituall Court, of such things as belonged to the Kings temporall Courts, in derogation of his Crowne and dignity; for which they were fined to his Majesty, and imprisoned by his Iustices: And shall such things scape scot free now? In the yeare 1532. Master William Tracy, Esquire of Todington in Gloucestershire, made in his will, that hee would have no funerall pompe at his burying, neither passed hee upon the Masse,

and further said, that hee trusted in God onely; and hoped by him to be saved, and not by any Saints: hee dying, his sonne being his Executor, brought the will to the Bishop of Canterbury to proove, which hee shewed to the Convocation; who judged, that hee should be taken out of the ground, and burnt for an heretique; Whereupon they send downe a Commission to Doctor Parker, Channeller of the Diocesse of Worcester, to execute this their wicked sentence: who accomplished the same. The King (Henry the 8.) hearing his Subject to be taken out of the ground and burnt, without his knowledge or due order of Law, send for the Channeller, layd this as an High-offence to his charge, who excused himselfe by the Archbishop of Canterbury then lately dead; but in conclusion it cost him 300. p. to gaine his pardon; who else had suffered in a *Præmunire* for it. If this King tooke those illegall proceedings against the senselesse carcase of his dead Subject, (though attainted in Convocation, as an Heretique,) so heynously: what Censure will our present Gracious Sovereigne deeme those worthy, who suspend, excommunicate, fine, imprison the living persons of his faithfull Ministers and Subjects, (contrary to all Law and Iustice,) never tainted with any crime or heresie, onely for maintaining his Majesties Ecclesiasticall Jurisdiction, for oppugning their encroachments upon it, and the Subjects Liberties, for refusing to submit to their superstitious Popish innovations, and for performing the duty both of good Christians, good Subjects to God and their Prince? To come nearer to our present times. In the Parliaments of 3. & 7. Jacobi, the Prelates were questioned in the Commons house, as having incurred a *Præmunire*, for exercising Ecclesiasticall Jurisdiction, without speciall Letters Patents, and Commissions from the King under the great Seale, proving of Wills, granting Letters of administration, and making out their Proses, Citations and Excommunications in their owne names, and under their owne Seales, contrary to the statutes of 1. E. 6. c. 2. (revived by 1. Jac. c. 25.) 1. Eliz. c. 1. 5. Eliz. c. 1. 8. Eliz. c. 1. 26. H. 8. c. 1. 37. H. 8. c. 17. and other forecited Acts: and though no judgement were then passed against them by reason of the sud-

den dissolution of the last of these Parliaments, (and two or three others succeeding it,) and of the great controversie concerning Impositions upon *Marchandise*, imported or exported, which outed most other complaints; yet the house upon the opening of the businesse, by Sir Henry Telverdon, who set it on foote, conceived that they were all in a *Præmunire*, and that the statute of 1. E. 6. c. 2. was revived and still in force; being nothing but a Declaration of the Kings Ecclesiasticall Prerogative at the Common Law, and King James having as ample Ecclesiasticall Jurisdiction in and over all such causes and persons as E. 6. or any of his Royall Progenitors; and in Cottons case in the Star Chamber, where hee was prosecuted upon the same point, for exercising Ecclesiasticall Jurisdiction, without Letters Patent or Commission from the King, and making out Proces and Probates of Wills in his owne name, under his owne Seale, the Court inclined to the same opinion, agreeing, that the statute of 1. E. 6. was still in force, whereupon hee humbling himselfe to King James, and craving pardon for his said offence; the King out of his grace, by the mediation of some great persons, was pleased to remit his sinning, and censure, whereas otherwise hee had smarted and payed deare for this his misolent disloyall undutifull usurpation, upon his Sovereignes Royalties. In to which Court if all our Prelates and their officers were now brought for all their forementioned usurpations, extortions, oppressions, misdemeanors, and there fined, according to the greatnes and multitude of their manifold offences; after that rate as some of them have lately fined others, beyond all pitty and moderation, (they there commonly out of their Fatherly Clemency and bowels of compassion, transcending all other temporall Lords in the severity of their censures, whether pecuniary or corporall;) I doubt not but his Majesty might thereby gaine in very short space, at least two hundred thousand pounds or more in fines, to the great contentment of his Subjects, whom they have oppressed; and quite strip them of all their Bishopricks, Archdeaconries, Chauncellourships, and other offices, as foresaid by their severall abuses, extortions, and oppressions committed in them, (for which cause though

in pretence alone, themselves have deprived many Ministers, Lecturers, Tradesmen, both of their livings, Lectures callings) if not, for want of Letters Patents; and leave them neither eares, nor nose unmangled, nor any thing to support them in those Prisons; to which they deserve to be adjudged; should hee and the Iudges of that Court, meat them onely that measure as some of them, even against the *k* *Scripture and their owne Canons* (which prohibit them to be strikers, or to have their hands or votes in dismemb'ring, or shedding any mans blood,) have not long since measured out to *l* others, who have opposed them in their exorbitant courses, and proceedings; whether more out of particular malice, envie, spleen, revenge, then out of a true zeale of Iustice and the merits of the cause, I leave to their owne Consciences and God himselfe, (who *m* onely knows the very depths and secrets of all mens deceitfull hearts,) to determine. All that I can doe more, is but to submit both their persons and theire offences against King and Subject, here epitomized, to his Majesties Royall and Impartiall Iustice; if hee please to passe by and pardon these grand delinquents, (who have beene alwayes inexorable, and mercilesse towards others, even for the smallest slips and Errors,) at an easie rate, upon their humble submission, acknowledgment, and promise of future reformation. I hope it will teach them to be more thankfull and dutifull to his Majesty, more moderate just and mercifull towards others, and more carefull of relapsing into the same offences in time to come; If hee in his Royall wisdom shall thinke it more just and honourable to proceed against them in all, or any of the forementioned wayes of Iustice, in a severe and rigorous course, according to the greatnes and multitude of these, and other their notorious insolent crimes, both for the satisfaction of his much greived and oppressed Subjects, (to whom they have never extended the least dramme of mercy,) to furnish his Treasury, with a present legall supply, and to deterre both them, and their Successors from the like encroachments, insolencies exactions, and oppressions for future times; they must

k 1. Tim. 3.
 3. Tit. 1. 7.
 Maith. 26.
 51. 52. 53.
 10. E. 4. 6. b
 Gratian.
 Causa. 23.
 8. Petrus.
 Blessens
 de Instit.
 Episcopi.
 l Doctor
 Layten.
 Master
 Primie.
 m Act. 1. 24
 Ps. 44. 21.

all lay their hands upon their mouthes, and acknowledge both Gods, and his Majesties Iustice on them, yea though they should incurre even corporall punishments as well as fines, deprivations, imprisonments; and confesse in the words of *Adonibese*, Iudges. 1. 7. *As I have done, so God hath requited me; and of our Saviour*, Math. 7. 2. *With what judgement wee judged, wee have beene judged, and with what measure wee metted, it hath beene measured to us againe.*

To draw towards a conclusion in a few words of exhortation.

1. I shall here *First* of all desire every of his Majesties faithfull and true hearted Subjects, according to their oathes, duty, and allegiance, to take notice of all the Prelates, and their underlings severall encroachments upon his Majesties Prerogative Royall, and then to withstand to oppugne them by all just and lawfull means, to the uttermost of their skill and power, without conniving at or submitting to them in the least degree; not giving over their endeavours against them, till they are quite reformed; and then in the next place to take notice of their usurpations, oppressions, and exactions on themselves, their just and ancient Liberties, and to shake them off with all speed and care, not suffering the Prelates, (raised for the most part from the dunghill and the depth of poverty, which makes them so harsh, proud, and ungentile, both in their carriage and proceedings) to Lord it and triumph over them, (yea even Nobles, Peeres, and Iudges themselves,) in a Pontificall proude, domineering tyrannicall maner; contrary both to their ancient Liberties, the Lawes and Customes of the Realme, nor to impose what Ceremonies, Canons, Articles, Rites, Constitutions, Errors, false Doctrines, Superstitions, and Innovations each of them shall severally please, without the King and Parliaments Consent; or to erect a new Papacy or Spanissh Inquisition in the Realme, as some of them have endeavoured; *n* but to stand fast in the Liberty, wherewith Christ himselfe, the Lawes Liberties and Customes of the Realme have made them free, and

out to intangle themselves againe in these their unjust heavy yokes of
 Bondages, which they ought to prevent and cast off by all honest
 legall and Christian means: And in the next place, I shall be-
 seech all Prelates now at last, even seriously to consider and lay
 to heart, all their severall usurpations, encroachments, oppres-
 sions, and exactions, both upon their dread Sovereignes Crowne
 and Dignity, by whose grace alone they were first raised to
 their Episcopall dignities, which may stand or fall to ground in
 a moment at his good pleasure, and upon your Brethrens and
 other Subject just undoubted Liberties, and then to recount
 with themselves, what a heavy reckoning they must one day
 make for them, before Gods and Christs tribunall in the sight
 of all the world, at the great day of judgement, and to what
 great dangers, hazards, censures, troubles, losses and perils
 they may now upon all occasions expose their persons, states,
 and fortunes, even in his Majesties Courts of Iustice, which they
 have no assurance to escape; and how execrably odious they
 now render them everywhere, both to God and man. And
 when they have thus taken a serious servay of them, with those
 severall dangers which attend them, let them forth with abate
 their pride, and tyranny, fall downe upon the knees of their
 soales and bodies, both to God, his Majesty, and the people,
 whom they have thus grossely injured and oppressed, craving
 both their joynt and severall pardons with bleeding hearts and
 spirits for these their crying trespasses, giving good and compe-
 tent satisfaction to the uttermost of their power, to all those they
 have injured and oppressed; And when they have done thus,
 let o goe away and sinne no more, least some worse thing happen to
 them. Let them lay aside their Pompe, their Pride, State,
 Lordlines, Idlenes, Luxury, Tyranny, Bribery, Symony,
 good fellowship, persecutions of goodnes, grace, truth, and all
 good men; their secular offices, employments, and pluralities;
 their malice, envy, hatred, emulation, contention, ambition,
 voluptuosnesse, backbitinge, false accusing, fines, imprison-
 ments, Purservants, Iaylors, unwarrantable Excommunications,

fees, exactions, impieties, ungodlines, prophanes, swearing, cursing, prophaning of Gods most sacred day, both by life, and doctrine, their non-preaching, rare-preaching, rare-praying, their frequent carding, dicing, bowling, dauncing, hunting, hauking, that I say not whoring, with all other their Episcopall vices, betaking themselves wholly in a pious, studious, holy, temperate, sober, humble, chaste, unspotted, exemplary, heavenly, fruitefull, gracious preaching, charitable, pittifull, just, and upright life; *p* *shining forth like so many glorious burning lights of the world, in the midst of a crooked and perverse generation.* Let them remember that they are (at leastwise ought to be) not Lords, but servants; not Bitesheeps, but Bishops; not Pilates, but Prelates; not imposters, but Pastors; not loyterers, but labourers; not Kings, but Subjects; not sleepers, but Watchmen; not blinde Bedels, but Seers; not fleecers, but feeders; not butchers, but shepheards; not Preyers, but Preachers; not destroyers, but instructors; not Tyrants, but Fathers; not dumbe-dogges, but cryers; not theeves, but keepers; not Wolves, but Guardians; not seducers, but leaders; guides and examples to the Flock and Sheepe of Christ, alwayes carying themselves like such in all places, companies and conditions whatsoever, *q* *walking even as Christ, the 1 Great Sheepheard of the sheepe hath done before them, s* *leaving them an example, that they should follow his steps.*

q 1. Iohn. 2.

6.

1 Hebr. 13.

20. 1. Pet. 5

4.

1. Pet. 2.

21.

If any of them are so presumptuous as to thinke they may still Lord it, and tyrannize over Gods people, inheritance, and their fellow-Brethren, ruling them with boysterous force, violence, or with a rod of Iron, as they have hitherto done; let all such Lucifers and domineering spirits, (who strive to engrosse into their hands the very sway of Kingdomes and of the world it selfe, as many of them now conspire and endeavoure,) remember these three Lessons, which our Saviour, and Saint Peter have left behind them; which they had used well learne themselves, before they can ever duely rule, instruct or tutor others.

1. The

1. The first of them is this of *Matthew* 20. 20. 29. *Mark* 10. 35. 40. *Luke* 22. 24. 26. where our Saviour, when James and John the Sons of Zebedee came unto him with this request, saying: Master grant unto us that wee may sit one at thy right hand, and the other on thy left hand in thy Kingdom, (whereupon there arose a strife betwene the other Disciples and them, which of them should be accounted the greatest;) called them all unto him and said; ye know that the Princes of the Gentiles exercise Dominion or Eldership over them, and they that are great, exercise authority upon them; but it shall not be so with you, but whosoever will be great among you, let him be (saith *Matth.*) shall be (saith *Marke*;) your servant, or Minister; and whosoever will be chiefe, cheifst (saith *Marke*;) let him be your servant, (saith *Matth.*) shall be servant of all; (writes *Marke*.) Even as (so *Matthew*;) for even (so *Marke*;) the Sonne of man came not to be ministered unto, but to minister, and to give his life a ranfome for many. Which *S. Luke* thus renders: The Kings of the Gentiles exercise Lordship over them, and they that exercise authority upon them are called benefactors. But ye shall not be so, but hee that is greatest among you; let him be as the younger, and hee that is chiefe, as hee that doth serve: For whether is greater, hee that sitteth at meat, or hee that serveth? is not hee that sitteth at meat? But I am among you as hee that serveth.

2. The second is the *1. Pet.* 5. 1. 2. 3. 5. The Elders, which are among you, I exhort, who am also an Elder, and a witness of the sufferings of Christ, and also a partaker of the glory, that shall be revealed: Feed the flocke of God which is among you; taking the oversight thereof; not by constraint, but willingly; not for filthy lucre, but of a ready minde; Neither as being Lords over Gods heritage; but being ensamples to the flock. And when the cheife Shepheard shall appeare, ye shall receive a Crowne of glory, that fadeth not away. Likewise ye younger, submit your selves unto the Elder; ye all of you be subject one to another; and be clothed with humility; for God resisteth the proud, but giveth grace to the humble.

On which text *Sant Paul* thus comments: 2. Cor. 1. 24. *Not that wee have dominion over your faith, but are helpers of your joy: for by faith yee stand; And Phil. 2. 3. Let nothing be done through strife or vaine glory, but in lowlines of mind, let each esteeme other better then themselves.*

3. The third is *Matth. 11. 29. Take my yoke upon you, and learne of me, for I am meeke and lowly in heart: and yee shall finde rest unto your soules.* Which *Sant Paul* thus illustrates: Col. 3-12. 13. *Put on therefore (as the elect of God, holy and beloved) bowels of mercies, kindnes, humblenes of minde, meekenes, long suffering, forbearing one another, and forgiving one another, if any man have a quarrell against any: even as Christ forgave you, if also doe yee.* From these 3. Scriptures * Divines both old and new have deduced these three Conclusions.

* See the Epistle Dedicatory, & the Fathers, and Commentators on these Texts.

1. First, That all Bishops and Ministers by Christs institution are of equall authority and Jurisdiction, and that one of them ought not to Lord it, or domineere over the other, as all Bishops now every where doe, both over their fellow-brethren and the people: and that Bishops and Ministers by Gods Law are of equall degree, dignity, power, and Jurisdiction.

† This is excellently and largely proved by Marcellinus, De-fensor pacis pars 2. c. 4. s. 6. &c. Mr. Tyndall his Practise of Popish Prelates in the beginning. The Supplic. to K. Henry the 8. and others.

2. Secondly, That Bishops and Ministers ought to be patternes of humility, meeknes, charity, compassion, brotherly kindnes, and forgiveness unto all others: and yet who so swolne with Antichristian pride, ambition, envy, hatred, malice, slander; to revengefull, implacable mercilesse as they, as the common proverbe, (as proud, as malicious as a Prelate,) witnesseth.

3. Thirdly, † That no Bishops or Clergy men ought to turne Magistrates or temporall Lords and Officers, nor yet to exercise any civill power, Dominion or Jurisdiction over their Brethren, and fellow Ministers, or any of Gods people, nor yet to inflict any fines, imprisonments, or temporall censures on them,

them, either by their owne inherent power, or any derivative Authority or Commission from the Prince or civill Magistrate.

Hence *Origen*, in his 31. *Hom. upon Matthew*, writes thus: *Verily that Bishop sumeth whomsoever hee be, who doth not minister like a servant to his fellow-servants, but like a Lord, yea, very often domineering by violence even like a bitter Lord, being made like the Egyptians, who afflicted the life of the children of Israel with force: therefore they ought to be mindefull of the words of Christ: The Princes of the Gentiles domineere over them, &c. But among you it shall not be so.* Hence *Prosper Aquitanicus*, complaines thus of the Prelates in his time, *De Vita Contemplativa*, lib. 1. c. 21. *Wee are made potent onely for this end, that wee may purchase, and usurpe to our selves a tyrannicall Domination over those who are under our charge, not that we might defend the afflicted against the violence of great men, who rage against them, like wild beasts. Wee delight onely in things present, seeke onely whilst wee are in this life, our owne profits and honours, hastening not that wee may be better but richer, not that we may be holier, but that wee may be more honourable and greater then others: neither doe wee minde the flock of the Lord, which is committed to us, to be fed and defended, but wee carnally thinke of our owne pleasures, Dominion, and other worldly allurements. We will needs be called pastors, and yet wee strive not to become such: wee shunne the labor of our office, and yet desire the dignity thereof.* Hence also *Sanct Bernard* complaines of the Prelates in his age, in this sort: *Thy Sermo in are not Pastors, but betrayers; they are called Shepheards, when as Concilio Rhe-* in truth they are but thieves. *Alas wee have but few Pastors, mensi.* and yet many Excommunicators, (as wee also have now too many even upon no occasion.) *And would to God the wooll and the milke would suffice you, for yee even thirst after the very blood of the sheepe.* And in another place hee thus writes to *Pope Eugenius* (as *Master Fox* records in his Booke of Martyrs) *ad Eugenium* who claimed a kinde of Dominion and Lordship over his fellow-Brethren: *Thou hast nothing in thy greatness that may flatter thee, but a greater sollicitude: True it is, thou art advanced, but* *thou*

y ler. x.

thou oughtest by all means to consider, to what purpose not to domineer, as I conceive; for even the Prophet which bee was in like manner advanced heard, & that thou mayest pluck up and destroy; and that thou mayest build and plant. Which of these sounds of pride: rather a spirituall labor is expressed under the soborne of rustick sweat: And wee therefore although wee may thinke highly of our selves, shall perceive a ministration imposed on us, and not a Dominion given to us, I am not greater then the Prophet, and if perchance I am equall to him in power, yet there is no comparison betwene us in respect of merits. These things speake thou to thy selfe, and teach thou thy selfe, who teachest others; reckon thy selfe but as some one of the Prophets. Is not this sufficient to thee? yea too much: But by the grace of God, thou art what thou art. What? Be thou, that which a Prophet is: art thou any thing more then a Prophet? If thou art wise thou wilt be content with the measure that God hath meated to thee, for that which is more, is from the evill one: learne from the Prophets example how to beare rule, not so much to command, as diligently to performe what Christ requires; learne that thou needest a weeding hooke, not a scepter, that thou mayest doe the worke of a Prophet: And verily bee ascended not as one about to raigne, but to extirpate: Thinkest thou that thou mayest not finde some worke to be done in the fild of thy Lord? yea very much: the Prophets could not plainly cleanse it all, they have left some things to their sonnes the Apostles to doe; yea thy very parents have left some thing to thee, neither mayest thou thy selfe suffice to doe every thing; verily thou shalt leave some thing to thy Successor, and bee to others, and they to others unto the end. Finally, about the

z Luke 10. 11. & bower the workemen are reprooved of idlenesse, and sent into the vineyard; the Apostles thy predecessors have heard, that the harvest verily is great, but the labourers are few, challenge to thy selfe thy Fathers inheritance. a For if thou art a Sonne, then an heire: that thou mayest proove an heire, give attendance to thy cure, and thou mayest not waxe idle; unlesse it be also said to thee,

b Mat. 20. Why standest thou idle all the day? much lesse oughtst thou to be found either dissolute with delights or effeminate with pompe.

Thy

z Luke 10.

a Gal. 4.

b Mat. 20.

Thy testators writing assigneth nothing of these to thee: But what? If thou art content with their tenure, thou shalt rather inherite care and labor, then glory and riches, doest thy chaire flatter thee? It is no Watch Tower: Finally, thou overseest from thence, founding to thy selfe, in the name of a Bishop, not a Dominion, but an office: Why shouldst thou not be placed in an eminent place, whence thou mayest overlooke all things, who art constitute a watchman over all things? for truly this prospect begoes readines, not idlenes. How canst thou take pleasure to glory, where it is not lawfull for thee to be idle? neither is there any roome for idlenes, where a sedulous solicitude of all Churches oppresseth. For what else hath the holy Apostle demised to thee? That which I have, said hee, that give I unto thee: What is that? One thing I know, it is not gold nor silver, seeing himselfe saith, *o Silver nor gold have I none, if thou chance to have any,* use it not according to the lust, but as the time requires; be thou such a one using them, as if thou usest them not. These things verily so farre as appertaines to the good of the minde, are neither good nor ill, yet their use is good, their abuse evill, their desire or care worse, their lucre more dishonest; But be it so, that thou mayest challenge it unto thee, by any other meanes whatsoever, yet truly by any Apostolicall right thou canst not so doe, for how could hee give unto thee that which hee hath not himselfe? That which hee had, that hath hee given, the care over the Churches, as I have said. But hath hee given thee any Lordship? Hearke: what hee saith, not bearing rule, saith hee, as Lords in the Cleargy, but behaving your selves as example to the flock: And because thou shalt not thinke it to be spoken onely in humility, and not also in verity, marke the voyce of the Lord himselfe in the Gospell: *d But you shall not doe so: Here d Luke. 22.* Lordship and Dominion is plainly forbidden to the Apostles, and darrest thou then usurpe the same? If thou wilt be a Lord, thou shalt loose thine Apostle-ship, or if thou wilt be an Apostle, thou shalt loose thine Lordship. Goe thou then and presume to usurpe to thy selfe, either an Apostle-ship being a Lord, or a Lordship being an Apostle. Verily thou art prohibited and must depart from one of them; if thou wouldest have both, thou shalt loose both, or else

e Hof. 8.

thinkest thy selfe to be in the number of those, of whom God doth so greatly complaine, saying: e They have reigned, but not through me, they are become Princes, and I have not knowne it. Now if it doth suffice thee, to rule without the Lord, thou hast thy glory, but not with God; But if wee will keepe that which is forbidden us, let us heare what is said: Hee that is the greatest among you, (saith Christ,) shall be made as the least among you, and hee which is Highest, shall be as the Minister, and for example set a child in the midst of them: So this then is the true forme and institution of the Apostles trade, Lordship and rule is forbidden, Ministration and service commaunded; which is likewise commended by the example of the Law-giver himselfe, who subjoynes: But I am in the midst of you, as one that ministrereth. How now may any thinke himselfe inglorious with the Title, wherewith the Lord of glory hath before him dignified himselfe? Deservedly

f 2. Cor. II. Paul glories in it, saying: f Are they the servants of Christ? So am I; and hee addes, I speake as a foole, I am more; in labours more often, in imprisonments more abundant, in stripes above measure, in deaths more frequent. O excellent ministry! Is not this more glorious then any principality; &c. After which hee thus proceeds, against the pride, pompe, Lordship, and secular

g De Consid- power of the Prelates: g If I durst be bould to speake, these things
rations, l. 4. are rather the food of Devils, then of Sheep: What? Did Peter doe thus? Did Paul thus play the vice? Seest thou not, how all their Ecclesiasticall Zeale is fervent, onely to defend their dignity? all is attributed to dignity, nothing or very little to bolines. If cause requiring, thou shalt attempt to doe somewhat more submissly, or to shew thy selfe more sociable, they say God forbid; it becomes thee not; it agrees not to the time, it is not suitable to thy Majesty, consider the person which thou bearest. Of the pleasure of God there is no mention at all, no delay for the losse of salvation. Wee may call nothing wholsome, but that which is sublime, and that onely just, which favours of glory: Thus all humility is esteemed a reproach among the Prelates. So that thou mayest more easily finde, one who desires to be, then to appeare humble: The feare of the Lord they repute

simpli-

simplicity, that I say not folly. A circumspect man and a friend of his owne Conscience, they caluminate for an hypocrite. Here, here I spare thee not, that God may spare thee: shew thy selfe to this people a Pastor verily, or deny thy selfe to be one. Thou wilt not deny it, least hee, whose seate thou possessest deny thee to be his Heire; Hee is Peter, who was never knowne to have gone abroad at any time, either adorned with Jewels, or silkes, or covered with gold, or carried on a white Palfrey, or guarded with souldiers, or invironed with servants, making a noyse round about him, yet notwithstanding hee beleived that this sacred mandate, b If thou lovest me, feede my h Iohn. 21. sheepe, might be sufficiently discharged without these things. In these thou hast succeeded not Peter, but Constantine. I counsaile, that they are to be tollerated in respect of the time, not to be affected as of due. I rather incite thee to these things, of which I know thee to be a debtor. And although thou goest clad in purple, although in gold, yet thou mayest not abhorre either Pastorall labor or care, being the Heire of a Sheepeheard; thou mayest not be ashamed to preach the Gospell; for verily if thou doe it willingly, thou shalt have glory among the Apostles. To preach the Gospell is to feede. Doe the worke of an Evangelist, and thou hast fulfilled the worke of a Pastor. Thou sayest, you admonish me to feede Dragons, and Scorpions, not sheepe. For this cause rather set upon them, but yet with the word, not with the sword; Why doest thou attempt againe to usurpe the sword which thou hast beene once commanded to put up into the scabbard? which notwithstanding hee who shall deny to be thine, seemes to me not sufficiently to have considered the word of the Lord, saying thus: Put up thy sword into its sheath: therefore it also is thine, perchance at thy command, although not to be unsheathed with thy hand. Both swords therefore are the Churches, as well the spirituall as materiall; but that verily is to be exercised for the Church, but the other by the Church; that by the hand of the Preist; this, of the Souldier, but yet at the beck of the Preist, and the command of the Emperour. And in his 23. Sermon upon the Canticles hee concludes: Let the Prelates heare this, who will be alwayes a terror to those committed to their

Ll 3

charge,

charge, seldome a benefit. Be instructed, ye who judge the earth: learn, that ye ought to be the mothers of your Subjects, not their Lords; Study rather to be beloved then feared: and if at any time there be use of severity, let it be fatherly, not tyrannicall: shew your selves mothers by fostering, fathers by reprehending, waxe meeke, lay aside your fiercenes, suspend your stripes, produce your duggs: Let your brest waxe full with milke, not swell with pride: why doe you make your yooke heavy upon such, whose burthens ye ought rather to sustaine? Why doth a litle one bitten by the Serpent, flie from the Conscience of the Preist, to whom hee ought rather to have recourse, as to the bosome of his mother. If ye be spirituall, instruct such a one with the spirit of meekenes, considering every one himselfe least hee also be temptred. Thus this devout Father: yet notwithstanding our Saviours owne inhibition, and these Fathers complaints and declamations, our Lordly Prelates, both of present and i ancient times, have intruded themselves into all temporall offices, and usurped both the temporall and spirituall sword into their hands, exercising not onely all maner of Ecclesiasticall, but likewise of civill Lordship, and dominion over the Ministers, and Flock of Christ; and that with such tyranny, cruelty, pride, oppression, injustice, and more then barbarous inhumanity, (transcending all patternes of pagan Princes, and Tyrants,) that their very Acts and Monuments of this kinde, have surfeited all Ecclesiasticall Stories, and swolne into many folio volumes. Witnes, the French and English Bookes of Martyrs, the *Magdeburge Centuries*, *Catalogus testium veritatis*, *Theodoricus a Niem.*, and others *De Scismate*, *Abbas Ussergensis*, *Sant. Bridgets revelations*, *Mathew Paris*, *Alvarius Pelagius de planctu Ecclesia*, *Avintine*, *Gniciardine*, *Nicolaus de Clemangis*, to 254. *Onus Ecclesia*, *Morney his Historia Paparum*, *Marsilius Pa-*
Doctor *ravinus Defensoris Pacis*, *Master Tyndals practise of Popish*
Barnes his *Prelates*, *Roderick Mors his supplication to the Parliament,*
to King
Henry the 8, *Thomas Beacon his Supplication, and his Reports of certaine men.*

i Socrates
 Schol. Hist.
 Eccles. lib. 2.
 c. 27. 28.
 42. l. 4.
 c. 36. l. 7.
 c. 7. 11.
 Mathew
 Westminster
 Flores Hist.
 An. 1247.
 p. 217. 28.
 Haddon and
 Fox contra
 Hieronym.
 Oforium.
 l. 3. f. 234.
 to 254.
 Doctor
 Barnes his
 Supplication
 to King
 Henry the 8,

*William Wranghton, aliàs Turner his Hunting of the Romish
 Fox and Wolfe, John Bale his Acts of English Potaries, his Cen-
 turies, and lifes of the Pope, Henry Stalbridge his Exhortatory E-
 pistle; and generally all others, who have written against the u-
 surpation, tyranny, Iurisdiction, pride, and Lordlines, both
 of the Popish and of our English Prelates; In so much that* ^{k Pastoral.}
Pope k Gregory the first, hath long since given this true cha- ^{pars 2. c. 6.}
acter of them; that under a pretence of Discipline, Ministe- ^{8. Hom.}
rium regiminis vertunt in usum Dominationis; & ^{17. in Euan-}
cum regiminis jura suscipiunt ad Lacerandos subdi- ^{gelia f. 320.}
tos inardescunt. Terrorem potestatis exhibent, &
quibus prodesse debuerant, nocent. Et quia cha-
ritatis viscera non habent, domini videri appetunt,
patres se esse minimè recognoscunt: humilitatis lo-
cum in elationis dominationem immutant: Et si
quandò extrinsecus blandiuntur intrinsecus autem
sunt lupi rapaces. Pulvinos his exhibent, à quibus
se noceri posse in studio gloriæ temporalis timent.
Quos verò contrà se nil valere conspiciunt, hos ni-
mimum asperitate rigidæ semper invectionis pre-
munt, nunquam clementer admonent, sed pasto-
ralis mansuetudinis obliti, jure dominationis ter-
rent. Quos rectè per Prophetam divina vox incre-
pat, dicens: Vos autem cum auferitis Imperabitis ys,
& cum pot: nia: Plus enim de suo autore diligen-
tes, jactantèr erga subditos se erigunt, nec quid
agere debeant, sed quid valeant, attendunt. Nil
de subsequenti judicio, metuunt, qui improbe de
temporali potestate gloriantur. Libet ut licentur
& illicita facin:, & subditorum nemò contradicat. ^{l Socrates}
(A true Character of our present Prelates;) It is ^{l storied of Scholast Eo-}
me Moses, a Munkè, whom Queene Maria and the Sa- ^{cles. Hist.}
racens ^{l. 4. c. 36.}

races under her chose to be their Bishop upon their embracing of the Christian faith; that when Lucius Bishop of Alexandria would have given him orders, hee refused to receive orders at his hands, reasoning with him in this sort: I thinke my selfe unworthy of the Priestly order, yet if it be for the profit of the Common-weale, that I be called unto the function, truly thou Lucius shalt never lay hand upon my head. For thy right hand is imbrued with slaughter and bloodshed. When Lucius said againe, that it became him not so contumeliously to revile him, but rather to learne of him the precepts of the Christian Religion: Moses answered: I am not come now to reason of matters of Religion, but sure I am of this, that thy horrible practises against the Brethren proove thee be altogether voyd of the true principles of Christian Religion: For the true Christian striketh no man, revileth no man, fighteth with no man: For the servant of God should be no fighter: But thy deeds in exiling of some, throwing of others to wilde beasts, burning of some others, doe cry out against thee. And doe not our Prelates Ex Officio Oathes and Proceedings; their Excommunications, Deprivations, Suspensions, degradations, heavy fines, and imprisonments, their casting of the best and painefullest Ministers out of their freeholds, benefices, functions; their violent breaking open and ransacking of mens howses, studies, writings, upon small or no occasion; their committing of men close prisoners, and making havack of Christs Flock in every place; their suppressing Lectures, preaching and all private Christian exercises, cry out against them, as much as ever Lucius his cruelties did against him. *m Albertus Magnus* gives this description of the Prelates in his age. Those which now rule in the Church, be for the most part thieves and murderers, rather oppressors then feeders, rather spoylers then tutors, rather killers then keepers, rather perversers then teachers, rather seducers then leaders. These be the Messengers of Antichrist, and underminers of the flock of Christ: And may not wee verifie the like of many Bishops now? *n Aventinus*

m In Ioan.
c. 10. See
Bishop Bil-
son his true
difference
betweene
Christian
Subjection
and Vnchri-

stian Rebell. p. 114. *n Annalium Boyorum. lib. 6. prefat.*

writes

writethus of the Bishops in his time: *I am ashamed to say what manner of Bishops we have, with the revenues of the poore, they feed boundes, horses, I need not say whores; they quaffe, they make love, and flee all learning (preaching, grace, and holines) as infection.* Such is the misery of these times, wee may not speake that wee thinke, nor thinke that wee speake. As for the sheepe committed to their charge, to sheere them, strip them, kill them, as every man list, under a pretence of devotion, is now an ancient Custome. And is not this Custome still continued? What remedy therefore may be now prescribed for this old Malady, or punishment for these excesses? I read that *o Basilus* other-
wise Basilus, Bishop of Ancyra, was deprived of his Bishopricke, for that hee cruelly tormented and imprisoned a certaine woman, (as our Prelates have many score) forged slanders, and disquieted divers persons thereby, and molested the quiet estate of the Churches in Africke. And I finde it resolved by the *p Canonists* in their *English* Tules *De Excessibus Prelatorum*; (A Title very ancient and copious,) That if a Prelate exceeds measure in correcting his Subjects, or be over-tyrannicall and severe, hee ought to be deposed for it: yea *q* if hee thrust any person under his Jurisdiction into prison, *q Summa* so as hee dieth by reason of his vexation within a short time, (as many have thus died under our Prelates hands, not onely in Queene *Angelica* Marias dayes, but since, even in our times, hee thereby becomes *Irregularitas, 21.* irregular, as having his hand in blood, and may be therefore deprived even by the Canon Law. Our Prelates therefore as they are irregular for their cruell oppressions, imprisonments, excesses, *r Gratian* and tyrannicall proceedings, (yea *ipso facto* Excommunicated *Causa 9.* for making, printing, and publishing, Visitation Articles, without *Causa 11.* the Kings authority, and causing his Majesties Subjects to submit *Quest. 3.* unto them, by the expresse provision of their owne *Canon, and l. 5. De Sententia Ex-* *communis -* *tionis, Summa Angelica & Summa Rosella. Tit. Irregularitas & Excommu-* *nicationis, and other Canonists in those Titles.*

all their proceedings and Censures being now in this regard, (if not their orders too, mere nullities in point of Law, and their very company to be abandoned by all, as being both irregular and excommunicated;) so they very justly demerit to be deprived of their

31. H. 8. Bishopricks, and made all *Quondams* for the same: § King
 c. 10. 37. Henry the 8. to vindicate his Prerogative in causes Ecclesiasticall
 H. 8. c. 17. from the Popes and Prelates usurpations; and to manifest to the
 Fox Acts & Monuments Prelates, that all Ecclesiasticall Jurisdiction, was originally vested
 p. 999. in, and to be derived wholly from him, and that hee might at his
 1000. Antiquitates pleasure take it from his Prelates, who enjoyed it meereley by his
 Eccles. Brit. Grace, and delegate it to whom hee pleased, though meere Lay-
 p. 386. 388 men: created a meere Lay-man, to wit, Thomas Lord Crum-
 389. well, Lord Privy Seale, his Vice-gerent for the due administration
 of Justice to be had in all cases, & cases touching the Ecclesiasticall Ju-
 risdiction, to overthrow the proud ambitious Bishops, inquire after,
 visit, and correct their excesses, and exorbitant misdemeanors, and
 overlooke their actions, lives, proceedings, to keepe them in good
 order and within their bounds, and for the Godly reformation and
 redresse of Errors, Heresies, and abuses in the Church of England.
 And the Statute of 31. H. 8. c. 10. yet in force, enacts, That the
 said Lord Crumwell, having the said office of Vicegerent, and all
 other persons, which hereafter shall have the said office of Vicegerent,
 of the grant of the Kings Highnes, his Heires or Successors, shall sit
 and be placed aswell in this present Parliament, as in all Parliam-
 ents to be holden hereafter, on the right side of the Parliament
 chamber, and upon the same forme that the Archbishop of Canter-
 bury sitteth on, and above the same Archbishop and his Successors,
 and shall have voyce in every Parliament to assent, or dissent, as
 other Lords of Parliament. The Lord Crumwell vested with this
 Ecclesiasticall Authority, both by Letters Patents from the King
 and this Act of Parliament, held a generall Visitation in all Dio-
 ceses of the Realme over the Archbishops, Bishops, Archdeacons
 themselves, as well as over the Laity, inquiring after and correcting
 their abuses, prescribing Injunctions, Rules and Orders to them,
 both for the Reformation of Religion, the abolishing of Super-
 stition

31. H. 8.

c. 10. Fox

Acts and

Monuments

p. 999.

1000.

1001.

1005. An-

tiquis. Eccl.

Brit. p. 389.

399.

sion and Idolatry, the correction of their exorbitant proceedings, ^{37.H.8.} excesses, lives and manners, appointing Laymen by Letters Patents under the Kings great Seale, to be the Kings Ecclesiasticall Judges, Visitors, Vicars Generall, Commissaries, Chancellours, Officials, Scribes, and Registers, (not the Bishops,) and to exercise all manner of Ecclesiasticall Jurisdiction and Censures in every Diocese, from, by and under his Majesty, and by his authority; at his immediate officers not the Bishops; (whom hee discharged from this trouble both to curbe their ambitious domineering humors, and to make them more diligent in preaching and instructing the people, the cheife end for which they were ordained Bishops, & even by the Councell of Trents resolution, and the maine part of their Episcopall function.) And with all, hee kept a speciall Visitation, An. 1538. of all the Abbies, Priories and religious houses throughout the Realme, enquiring most strictly into their loves, and vices, discovering in them such horrible detestable Sodomy, Buggery, Adultery, Whoredome, Luxury, beastlinesse, and sinck of all manner of sinne, both by their owne confessions, and witnessses, as would make all modest, chaste and pious Christians, yea morrall Pagans to stand amazed; as the inquisitions themselves and their owne confessions in the Exchequer Records, mentioned by John y Bale, Bishop Osiris, and John Speed, and transcribed lately by Master Weever, among other ancient Monuments, record to all posterity, to their perpetuall infamy. Whereupon these cages of uncleannes, and infernall Stewes were forthwith dissolved by Act of Parliament, and these monstrous Sodomities, and Devils incarnate, in the shapen of men, thrust out and punished, according to their deserts. 2 King Edward the 6. and Queene Elizabeth,

x Christiana
 Republica
 non minus
 necessaria est
 Prædicatio
 Evangelij,
 quam Lectio
 ET HOC
 EST
 PRÆCI-
 PVM
 EPICO-
 PORVM
 MVNS.
 Sessio 5. De
 Reformatio-
 ne, c. 2.
 Balau
 Scriptorum
 Brit. Cent.
 8, c. 75.

Appendix,
 p. 665. Speeds History of great Brittain, p. 1042. 1043. 1044. Henry Stoven his
 Apology for Hierodorus, c. 21. f. 183. John Weever his ancient funerall Monuments
 Lond. 1631. 2 Fox Acts and Monuments, p. 1181. 1182. 1187. 1192.
 1193. 1209. 1233. Queene Elizabeths Injunctions, and the Articles of inquiry prin-
 ted with them, Bishop Jewels life before his workes, Sect. 25. Speeds Hist. p. 1156.
 Antiquis. Eccles. Brit. p. 386. 388. 389. 398.

reading in this their Royall Fathers footesteps, appointed and constituted Vicegerents and Visitors under their great Seales, the cheife whereof were Laymen, to visit both the Bishops Clergy and Laity in every Diocesse, within the Realme, w^{ch} both the Universities of Oxford and Cambridge, and to correct, redresse and reforme all manner of Errors, Haresies, Schismes, abuses, offences, contempts, enormities, sinnes and vices whatsoever, punishable by any Ecclesiasticall Law, and to seele all things both in point of Doctrine and Discipline, according to the Articles of Religion established, and their Royall Injunctions; published under their great Seales, by the adwise of their Councell, and a Authority of Parliament, enabling them to publish such Injunctions; these their Visitors having Authority Ecclesiasticall in every Diocesse paramount the Bishops themselves, by vertine of their Commissions and Letters Patents. 32. H. 8. 26. 1. Ed. 6. c. 1. 3. & 4. Authority Ecclesiasticall in every Diocesse paramount the Bishops Ed. 6. c. 10. 11. 12. 5. themselves, by vertine of their Commissions and Letters Patents. 6. Ed. 6. A cleare evidence, that the power of keeping visitations, is a cheife c. 1. 5. 2. & 3 part, of the Kings Ecclesiasticall Prerogative specially united to the E. 6. c. 1. Crowne, by severall Acts of Parliament, that no Prelate or person, 1. Eliz. c. 1. may or ought to usurpe and exercise it, (as the Archbishop of 2. 5. Eliz. c. 1. Canterbury hath lately done, and pleaded that hee ought of 8. Eliz. c. 1. right to visit, not onely his Province, but both Universities in his owne inherent Archiepiscopall right, and name, not as his Majestyes Visitor, and in his name and right alone, which they were content at first, hee should doe,) by b speciall Letters Patents, under the great Seale, by, from, and under his Majesty, as c. 1. 31. H. 8. c. 10. 37. his visitors and vicegerents onely, and in his name and right alone; H. 8. c. 17. and that, as no Archbishop, Bishop, or other Ecclesiasticall person, 1. E. 6. c. 2. 1. Eliz. c. 1. may or ought by Law to visit any of the Kings free-chaples, Donatives, Hospitals, Abbeyes, or Peculiars, though within his Diocesse, and precincts, (and by consequence the Universities and severall Colledges in them, many of them being of Kings foundations, att^{ch} of them having speciall Visitors appointed them by the founders, by speciall Patent from the King) but by a speciall Commission from the King under his great Seale, without incurring both an Attachment and Praemunire, and as the King by his Royall Prerogative may exempt any place or person at his pleasure from

from all Episcopall Jurisdiction and visitations, as many, & Law
 Bookes; & Historians, yea and the *Commissars themselves*, 17
 together with the fth Concell of Trent, expressly resolve; So like-
 wise that no Bishop may, can or ought by Law to keepe a visitation
 within his Diocesse, without a speciall Patent from the King, (as
 appears by Bishop Ridelies, Coverdales, Scories, Poness and many
 other ancient Bishop Patents, the Statutes of 31. H. 8. c. 10. 37.
 H. 8. c. 17. 1. Ed. 6. c. 2. 1. Eliz. c. 1. 8. Eliz. c. 1. and other
 statutes,) the King being as absolute a Monarch, King, Go-
 vernour, in and over all Ecclesiasticall persons and causes in eve-
 ry Bishops Diocesse, as in and over his owne frank-chaples, Do-
 natives and Peculiars; which no Prelates dare or can deny; since
 in the very Oath of Supremacy and Allegiance, (which the Arch-
 bishops are the first men, enjoyned to take as likewise to in-
 fringe,) they make this profession and solemne protestation,
 I doe utterly testifie and declare in my Conscience, that the Kings
 Highnes is the only supreme Governour of this Realme, & all other
 of his Heighnes Dominions and Countries, (therefore in and of their
 Diocesse,) as well in all spiritual, or Ecclesiasticall things or
 causes, as temporall. Seeing therefore our Prelates are lately
 growen so insolent, as to claime and exercise all their Eccle-
 siasticall Episcopall Jurisdiction, and the power of visitation to-
 by a divine right and Title onely, not by any power, Patent or
 Commission from the King; seeing they have made so many
Cro. Jac. 63.
Irish Reports 42. 46. 47. 48. *Brooke Praemunit.* 21. *Hil. 2. Jac. B. R.*
Fairechilds case. 2. H. 5. c. 1. 25. H. 8. c. 21. 14. *Eliz. c. 5. Stanford.* 1. 3. c. 38.
Notes ibid. p. 165. 166. *Antiquit. Eccles. Brit.* p. 386. 388. 389. 398. 399.
Summa Angelica & Summa Rosell Tit. Exemptus. 3. 4. 5. *Maurieu de Alcedo*
De Præcellentia Episcopali dignitate. l. 2. c. 2. n. 50. p. 190. *Fuscus de Visitatione.*
l. 2. n. 21. Azorius, Instit. Moral. pars 2. l. 1. c. 90. qu. 10. Franciscus Leo, in The-
souro, pars 2. c. 2. n. ult. Perez de Capellanis, l. 2. c. 1. m. 49. Barbosa Allegatio.
75. n. 2. 16.
f. Sessio. 22. de Reformatione, c. 8.

grosse encroachments, both upon the Kings Prerogative Royall, the Lawes, the Customes of the Realme, and the Subjects Rights and Liberties, which they everywhere trample under their feet: And since they are growne so exorbitant, irregular, tyrannicall, oppressive, vindictive; so onerous and intollerable to the Subjects, both in their Consistories and visitations, but especially in their High-Commissions, where they make the Kings Commission and Authority a meere engine and stratagem to erect and enlarge their owne meere Papall Antichristian Jurisdctions and usurpations, which they challenge by a Divine (but in truth a Papall) right, thereby chrushing and questioning all such, who out of conscience towards God, or Loyalty to their Sovereigne, dare make any just or legall opposition against the same, or refuse to submit thereto; And since the Statute of 31. H. 8. c. 10. *authorizeth both the King his Heires and Successors, to make a Vice-gerent, generall in causes Ecclesiasticall, though a meere Layman, to take place of the Archbishop of Canterbury, and all other Prelates of the Realme, and their Successors, both in Parliament, and elsewhere, to curbe and restrain their exorbitant usurpations both upon the Kings Prerogative, Lawes and Subjects Liberties; to overlooke their actions, maners, lives, proceedings; to correct their severall misdemeanors, encroachments, excesses, tyrannies, oppressions, exactions, abuses, and to visit these great Lords and Visitors themselves: Whether it will not be meet and expedient for his Majesty both in point of Honor, Iustice and Policy, to constitute such a Lay Vice-gerent generall, by his special Letters Patents, to checke the insolency and domineering humor of our present Lordly Prelates, and to visite, inquire out, punish, redresse all their forementioned disloyall encroachments, both upon the King and Subject, for the better preservation of the Prerogative of the one, the Liberties of the other, the releife of all oppressed Subjects, the better execution of Iustice in all Ecclesiasticall Courts and causes, and the exemption of the Prelates from all unnecessary cares and troubles; which now so take them up, that they have neither time*

nor

or Will
of salvari
ll. & C
Bishop n
M. ar
reached
without
Prelates
in the p
done,)
Dunkel
Lordly
fers. fro
prove t
preach a
better b
Princes
Royall
out any
of all b

I
Nichol
Ecclesi
ly coul
lives of
Thofe
ding t
clef Hi
1366.
6. and
Bish
Fax

or Will, diligently to teach and instruct the people in matters
 of salvation; as *8. Sancti Augustinus, Sancti h. Ambrosii, i. Cy- Trafl. 9.
 ill, & Chrysostome, l. Origen, and other Fathers of old, and 2. 16. 20.
 Bishop m Hooper, Bishop Latimer, Bishop Ridley, with other of our 31. 27. 29.
 Martyrs and Godly Prelates of later times have done, who 35. 37. 38.
 preached every day in the weeke and yeare at least once, or twice, 50. in loan.
 without faile, as the marginall authorities evidence, whereas n. our Trafl. 1. 4.
 Prelates thinke it much to preach once or twice a yeare, and shew not Epist. loan.
 to the people of their Diocese, (which halfe of them have not Domini in
 done,) (but at the Court alone;) they being of the Bishop o of Euangelia.
 Dunkeldens mind, that they were not ordained to preach, but to be Serm. 15.
 Lordly Loyterers; beare rule, and keepe off other painefull Mini- bu Apostoli.
 sters from diligent frequent preaching, for feare their paines should Serm. 5. 6. 7
 proove their shame, and make the people beleive, that were bound to bDe Sacram.
 preach as much, or more then other Ministers, because they have l. 4. c. 6. l. 5.
 better hire. I here humbly referre to his Majesties pious care and c. 1.
 Princely wisdom, who may now justly and safely follow the i. Catech. O.
 Royall steps of his Famous Progenitors in this particular, with- ratio. 7. 14.
 out any scandall, offence, or innovation, to the releife and joy Catech.
 of all his Loyall and oppressed Subjects. Mystago. 2.
 k Homil. 3.
 4. 5. 6. 7.
 9. 10. 13.
 28. 33. 44.*

I shall begin to close up this Breviate with the words of 28. 33. 44.
Nicholaus de Clemangis, in his excellent Booke, *De corrupto* to 62. on
Ecclesiæ statu, chap. 14. to 20. where hee thus paints out in live- Genesis.
 ly colours, the manners, practises, oppressions, designs, and l. Homil. 19.
 lives of the Prelates and their Officers in his age, and ours too: in Genes.
 Those who at this day are promoted to the dignity of a Bishop, accor- Horn. 9. in
 ding to the manner of their professions, with great earnestnes on Isai. 5. con-
 tra Celsim.
 lib. 8. Nece-
 phorus; Ec-
 clef Hist. l. 12. c. 34. m Fox Acts and Monuments; p. 1115. 1119. 1179. 956.
 1366. 1153. 428: Bishop Hoopers Protestation of his faith to King Edward the
 6. and the whole house of Parliament, Anno 1550.
 a Bishop Latymers Sermon of the Plough.
 o Fox Acts and Monuments, p. 1153.

every side; greedily gape after gaine, not verily of soules, but of purses rather, the gaine whereof they seeke out every where: they burne after gaine; they repute gaine godlines; they doe nothing at all but that which they beleive; may sufferagate to collect many upon any occasion; for which they wrangle, contend, chide, goe to Law, taking the losse of ten thousand soules more patiently, then of 10. or 12. But I justly reprehend my selfe who said, more patiently, when as they take the losse of soules with no motion or perturbation of mind, of which there is not onely with them no care, but not so much as any thought; yet they undergoe even the smallest losses of any part of their estate, almost with a furious and distracted mind. Moreover, if per adventure any Bishop or Pastor shall arise, who will not walke after this maner, or who condemnes money or damnes covetousnes, who finally will not every way, whether just or unjust, extort money from his Subjects, or study to gaine soules by wholesome exhortation or preaching, and meditates more in the Lawes of the Lord, then in the Lawes of men, presently all their teeth are set on edge to bite him: they * will cry him up to be altogether an unfit man, not worthy of the Priesthood; because hee being ignorant of Humane Lawes, is not fit to defend his rights: knoweth not how to governe, punish, and restraime his Subjects by Canonically Censures, and hath learned nothing else, but to give himselfe even to a Laysie idlenes, or to preaching which they openly affirme, to be the office of Mendicants, enjoying no temporall care, or administration, which may possesse their minds with a more profitable occupation. Therefore now the studies of (he sacred Scriptures, with their professors are turned into laughter, and a mocking stock with all men; and which is most prodigious, especially toward Prelates, who preferre their owne traditions farre before Gods Commaundements. That egregious and most excellent office of preaching, attributed onely to Pastors or Bishops in times past, and principally due to them, hath now * waxed so vile with them, that they thinke nothing more unworthy or dishonourable but one Sermon or two to their dignity then it. But loe, whilst I consider the proper sicknesses of the Court of Rome, I am fallen upon those vices, which are common with them, even to other Prelates: Which yet I will

bundle

* Now they
cry out on
him as a Pu-
ritan besides.

* And is it
not so with
our Prelates
now, some of
them having
not preached
one Sermon
in 12. yeares
space, and
most of them
but one Ser-
mon or two
at most in a
yeare.

bandl
place.
our P
side
with
they w
verbe
Creat
prey.
they w
mitten
ought
justly
pleas
that t
great
minist
their v
for the
mious
eate b
suffer
money
or good
to goe
they a
shall I
lently
choofe
the Ch
Inquis
unto t
men, l
Cities
fine c

handle more particularly in a succinct relation, because I have a fit place. First it ought not to seeme strange or a wonder unto any, if our Prelates principally study, to scrape together moneyes on every side, if being thinne, leane, and empty, they study to fat themselves with the juice, wooll, and milke of their sheepe, of whom it appears, they were made Pastours at. so deare a rate. For flies (as the proverbe is,) pined with leannes bite more sharply. Likewise all living Creatures consumed with famine, are carried more greedily to the prey. For although before the undertaking of their Episcopall cure, they were very wealthy; (neither are indigent men wont to be admitted thereunto,) yet by the Ministry conferred on them, they ought at least to empty their purses for the most part. Wherefore justly and not without cause, they make it their cheifst labour to replenish them againe. And by the Example of a wise husbandman, that they may gather the seed, they have sowed with increase and great returne, and againe recover and diligently enlarge their diminished Substance, like most vigilant tradesmen, they expose all their wares to sale to all who need them. If any Clerke among them, for theif, for Homicide, for rape, or sacriledge, or any other enormous crime be cast into prison and adjudged to the dungeon there, to eat bread and water, hee shall so long be liable to punishment, and suffer for his offences as a guilty person, untill hee shall pay the money demaunded of him, according to the measure of his revenues or goods. But when hee shall doe this hee is set at large, and suffered to goe away like an innocent. every Error, all wickednesses, although they are capitall, are released and blotted out by money. For what shall I speake of the exercise of this Jurisdiction, which is so * vio- * Thus is it
lently and tyrannically governed, that at this day men rather now
choose to undergoe the judgements of the most cruell tyrants, then of
the Church. It cannot be expressed how great evils those wicked
Inquisitors of crimes which be called promoters or Apparators, doe * Thus our
unto the people. * They oft times call simple and poore husband- Bishops Ap-
men, living, an harmlesse life in their cottages, and ignorant of the paritors serve
Cities fraud, into their Courts, for a thing of naught, they diligently his Majesties
fine causes and crimes against them, vexe, terrifie, threaten them; this day.

Nⁿ

and

and so by these meanes compell them to compound and agree with them. Which if they refuse to doe, they daily serve and infest them out of measure with frequent Citations; and if once hindered by any occasion, they shall faile to appeare, presently they are struck with the Sentence of Excommunication as Rebels and contumacious. But if they shall continue to appeare at the day as oft as they shall be called; they will hinder their audience at the Judges tribunals, they will lay hold of delayes and subtiefugies, of imparlances, and interlocutions, which are very easily obtained from Ecclesiasticall Courts; that so being tyred out with long delay, and great losse of their time, they may be compelled to redeeme their future vexation, and expences, with a Summe of money, least they should incurre a heape of infinite expences, for a small or no offence, or for a litle debt. Now I pray, what a thing is this, that in most Diocesse Rectors of parishes doe everywhere keepe Concubines at a certaine rate and hire, which they agree for with their Prelates? That all excesses and vices of Subjects, and all offices, even in Court of Judicature, are publicly sold by them? But to those of which wee have spoken, and shall speake, these things are good. But how is this to be endured, that no man comes to a Clerksheip, * or to a sacred order, or to any Ecclesiasticall degree, but by reward? that none bestow sacramentall grace, or imposition of hands, unlesse hee shall give a certaine price before hand? that they make all Confessions, Absolutions, Dispensations veniall? that if any benefices are devolued to their disposition, they bestow them for gaine, or give them to their bastards, or to stageplayers? Now if any man peradventure shall object that Euangelicall saying to them: Freely ye have received, freely give: they want not what they may presently answer; that they did not freely receive, therefore they are not bound by the Text, freely to give. Finally, they say, that those Bishops onely are bound by this sentence, who have obtained their Pastorall office, without any disbursement at all. Therefore no man (but hee who strays farre from the truth,) may expect, that grace should be thus sold by equiuy, for how is it grace, if it be not freely given? unlesse wee will deeme it false, that that pestiferous Sorcerer was reprehended by Peter, with a direfull

* It is not so
now with
our Prelates.

in ale-

malediction, who thought that the gift of God might be purchased
 with money. Now from this fountaine that copious multitude of
 vile and most unworthy Preists hath issued. For that they might
 receive greater gaine by conferring Orders, they admit all as many
 as shall come with none or litle difference, to those titles which they
 shall aske, (unlesse perchance there be some so oppressed with
 poverty, that they are not able to pay for orders :) there is no
 examination of their forepast life, no question of their maners. Con-
 cerning their Letters and learning what bootes it to speake, when as
 wee see that almost all Preistes can scarce reade, and that way-
 wardly, and by sillables, without any understanding of the things or
 words. What fruite therefore, what audience shall they obtaine
 by their prayers, either to themselves or others, to whom that, which
 they pray is barbarous? How shall they reconcile God by their
 prayers unto others, whom they have made offended with themselves
 with their ignorance, their filthines of life, and by their ministry? If
 any man at this day be idle; if any abhorring labour, if any be willing
 to riot in idlenes, hee flues to the Ministry; which having obtained hee
 forthwith associates himselfe to the other Preists, who are followers of
 pleasures; * Who living more after Epicures then after Christ, and di-
 ligently frequenting Alehouses consume all their time in drinking, re-
 velling, prausing, feasting, playing at tables and at ball. And being
 surfeted and drunken, they fight, they warre, they make a tumult, they
 curse the name of God and of his Saints; with their most polluted thi-
 lips. And thus composed, at last, they come from the very em-
 bracements of their harlots to the divine Altar. But I returne to
 our Bishops, who being educated in all lubricity from their youth,
 they introduce such witnesses, that I may soo speake, Ministers, are guilty of
 into the Church, whose acts are memorable, this ought not to be pre-
 termitted by me; that many of those who have obtained the top of a
 Pastorall dignity, and have enjoyed the same for many yeares, * have
 never entred into their Cities, have never seene their Churches, they have
 never visit their places or Diocesse, have never knowne the faces flected them
 of their flockes, heard their voyce, felt their woundes, unlesse per-
 chance those woundes which themselves have inflicted on them with

* And doe not
 many of the
 Clergy now
 a dayes doe
 this.

* Some of our
 Prelates too
 thin, that they
 never saw
 some of their
 Diocesse, yet
 by their De-
 puty Visitors.

their rich spoyle by strangers, and hirelings. I have said strangers, because even they themselves are hirelings, who seeke not the custody, safety or profit of their flocke, but onely the retribution of a temporall reward. Therefore they themselves are hirelings, having onely the name of a Bishop, because the thing signified by the name is farre from them. For the name of a Bishop signifieth a Watchman or Superintendent: Behold (saith the Propbet) I have made thee a Watchman to the house of Israel. But these verily watch not at all over the flock, they oversee nothing, they looke to nothing: they take the care of their owne body, they feed themselves and not their sheepe, not greatly weighing what accident may happen to the sheepe, whether they die consumed, either with sickness or famine, so as themselves may gaine any thing by their death. * But peradventure some man will say, that

* A good excuse for our thing by their death. *
 Prelates, who they may justly be pardoned: if they seldome goe to their Diocesse, or are more slowly visit their litle flockes; because being sent for to be Princes temporall Counsels, they handle the great affaires of the Kingdome, & governe, then spirituall, more defend, support the Common-wealth, which rests upon their shoulders, all, more and would otherwise most greivously fall to ruine; which seemes to be deeply occupied in State more Land-worthy, then to consult their owne private affaires. First then I will by no meanes grant them this, that they are willingly called out of Church, in by Princes of their owne accord to be Counsellors of state, but they obtaine it with great suite, costs and intercessions of freinds; * not verily heavenly out of any Zeale or care of the Republique, of which they have no love affaires. or charity at all; but for the stipends and large gifts which accure * Note this well. unto them from thence, that living upon other mens costs they may

* Note well. treasure up the revenues of their owne Churches. Finally what profit So Master bring they to the languishing yea almost dying; and now well nigh Tyndall in buried Common-wealth? Would to God they brought no destruction but Obedience thereunto! What I pray you? doe they profit in this thing, that they invade * all the burthens of taxes, and tributes, with which the people of Bishops. I passe over with silence how they teach Princes in every land to lade new exactions and tyranny on their Subjects more and more daily, neither for what purpose they doe it say I. God I trust shall shortly disclose their juggling, and bring their fall boord to light, and lay a medicine to them, so make their scab breake out.

are at this day charged, by their subtilty and suggestions, and that being invented, they beape them one upon another, and cause them to last for so long a time? whence even long agoe there hath bene a custome in this Kingdome (France hee meanes, which is now true of England likewise,) that some Bishops are set over such exactions, and determine the causes and complaints concerning them. Whether doe they herein profit the Republike, that being called to the Counsell and commanded to speake their opinions, they perswade those things which they know, will rather please the Prince, then profit the Commonwealth? that oft time being led with bribes, oft times with favour, oft times with hatred, oft times also with feare they suggest to the eares of their Lords, not just, not true, not sincere things, but perverse and hurtfull things, covered over with fallacie? Furthermore, doe they helpe the Commonwealth in this thing, that they oft privily inculcate, that greater allowance is to be contributed to those Rectors who administer it, and more then the common allowance? For what themselves doe it is likely, that being consulted, which they likewise exhort others to doe, least their words and actions should fitly disagree and fight * A good question to be put to our Prelates.

* Finally, which of them is a Defender of the poore, a comforter of the afflicted, a releiver of the oppressed, who a patron for the fatherlesse, who a protector to the poore widdowe against the false accuser? Yea verily who is more estranged from the compassionating and commiserating of any distressed poore people then they, and truly too, doth the Prophet I say speake under the Image of the Princes of the Synagogue, of whom these, although they are their Successors in wickednesse, in respect of time, yet peradventure they may be rightly termed their predecessors in vilenesse; Thy Princes are treacherous and companions of theirives, every one loveth guisies, and followeth after rewards, they judge not the fatherlesse, neither doth the cause of the widdowe come unto them. But it is a wonderfull thing what that meanes, that now almost every Bishop receives yearly almost sixe, seaven, or ten thousand Crownes from the Church, of which hee is

* Note this
well,

* The Pre-
lates Court
Lesson.

* Note this.

president, but not above one thousand Crownes from the King for his stipend, and * yet hee leaves the care of his Church, and of the fold committed to him for the service of the Kingdome. Ought hee not at least like an hireling to serve him who giveth the greatest wages? But their answer to these things is at hand. For although that be more, which the Church giveth them, than what the Prince, yet that office joyned to the greater, makes the summe the bigger, and too good things are better then one. Further the fruits that are given them by the King, they know they shall not receive, unless they waite at the Kings elbow; but those which accure unto them from their Churches they know shall be given them, though they be farre off, and free from service. What and if they impute no doubt their promotion made at the instance of the King, to the King himselfe, and not to God, nor to the Church? Therefore like gratefull men, no wayes forgetfull of him by whome they have obtained grace they deservedly according to the vicissitude of obedience more willingly referre their service and obedience unto them. * What and if they have learned to serve Kings, and not God, nor the Church? What and if they have sought their Miter, not with an intention of exercising any office in the Church, but of obtaining quietnes and ease in greater aboundance? What and if by reason of their accustomed wages they helpe to obtaine many small things openly, yea and many small things openly by importunity, which serving in their Churches they could not obtaine? But at least thou wilt say, they there helpe their owne Churches, that they be not burthened or oppressed, * yea they themselves oppresse both their owne and others, whiles they lay taxes upon them, at the will of the secular powers. For lest they should be reprooved by the Noblemen, whose busineses they agitate, and whose Counsels they frequent, that they favour their Churches more then is meet, as oft as it shall happen that any thing is in agitation concerning the Church, they insult more grievously against it, then any of the Layry. Rarely happens there any affliction to these calamitous Churches, which may not derive its originall from these their proper finnes. But why doe wee so greatly accuse their absence from their Sees? when as if they were there personally

finally present, they might in all likelyhood doe more hurt then good For what, I pray, doe they profit, who in the revolution of the whole year tute their Church but twice or thrice? who spend whole dayes in banking, and hunting, in playes and wrestling? who passe over whole nights without sleepe in most accurate banquets, in claping of hands and daunces, being likewise effeminate wth maydens: who by their filthy example lead their flocke by bywayes into a precipice; who being yet bearded youtnes, scarce gone from under the ferrula, sue to the pastorall Magistracy, and know so much concerning it as they doe of a Pilots office. It is very difficult and hard to determine, which of them doe more hurt to their flocke: whether these who forsaking it, and committing it to wolves, are conversant with ruffians and parasites in the Court; Or those rather who keeping residence, vexce it by rapine, neglect it by carelesnes, precipitate it by error. For although I may rightly call both of them hirelings, yet I have spoken too litle in regard of the thing it selfe, both of them are more fitly to be tearmed * wolves, for both of them ake the part of * The Bish- wolves; the devouree, scatter, reare, and carry away: These hope true verily by themselves; but those, for themselves by others. I per- Christian ceive, that I have insisted longer then I thought at first in these ex- name. cellent services of our Angels, (for so the holy Scriptures terme Prelates,) but thou oughtest to grant pardon to so great a multitude of things, which I could not.

To him I shall onely annexe the words of William Wraughton, in his Rescuing of the Romish Fox, dedicated to King Henry the 8. Wee have put downe; (saith hee) to Winchester of your Orders of the world. There remaine yet two Orders of the world yet in England; that is the Order of Pompons and Popish Bishops, and Grey Friers. Which if they were put downe as well as the other put downe before, I reckon that there should be no Kingdome, wherein Christ should more raigne then in England. And of Rodericke Mors, sometimes a Grey Frier, his memorable passage in his Complaint to the Parliament-House of England, about the 37. of King Henry the eight, ch. 23. 24.

No doubt (writes hee,) one Bishop, one Deane, one College, or house of Canons hath ever done more mischeife against Gods word, and sought more the hinderance of the same, then ten houses of Monkes, Friers, Chanons, or Nunnnes. The Kings Grace began well to weed the Garden of England, but yet hath hee left standing (the more pittie,) the most foulest and stinking weedes, which had most need to be first plucked up by the rootes, that is to say, the prickling thistles and stinking netles, which still standing; what helpeth the deposing of the petty members of the Pope and to leave his whole body behinde, which be the pompous Bishops, Canons of Colleges, Deanes and such other? Surely it helpeth as much as to say, I will goe kill all the Foxes in Sant Johans woode, because I would have no more Foxes bred in all England. Which well pondered, wee may say and lie not, that the Pope remaineth wholly still in England, save onely, that his name is banished. For why his body, (which be Bishops and other shavelings,) doth not onely remaine, but also his

* See William tayle, which be his filthy traditions, wicked Lawes, and beggerly Ceremonies, (as Sant Paul called them,) yea and the whole body of his pestiferous Canon Law according to which judgement is given through out the Realme: So that wee be still in Egypt, and remaine in Captivity, most grievously laden by observing and walking in his most filthy drosse aforesaid, which is a mysty and endlesse maze. And so long as yee walke in those wicked Lawes of Antichrist the Pope, and maintaine HIS KNIGHTS THE BISHOPS, in such inordinate riches and unlawfull authority, so long say I, ye * shall never banish that monstrous beast the Pope and that the out of England, yea and it shall be a meanes in proceffe of time to bring us into temporall bondage also againe, to have him raigne as hee hath done, like a God. And that know our forked caps right well, which thing maketh them so boldly and shamelesly to fight in their Gods quarrell, against Christ and his word, &c. The Bishops by their subtilities and most crafty wiles, make the people to abhorre the name of the Pope of Rome for a face, and compell them to walke in all his wicked Lawes. And the word of God which we say we have receiued, is not, nor cannot be suffered to be preached and taught purely,

* See William tayle, which be his filthy traditions, wicked Lawes, and beggerly Ceremonies, (as Sant Paul called them,) yea and the whole body of his pestiferous Canon Law according to which judgement is given through out the Realme: So that wee be still in Egypt, and remaine in Captivity, most grievously laden by observing and walking in his most filthy drosse aforesaid, which is a mysty and endlesse maze. And so long as yee walke in those wicked Lawes of Antichrist the Pope, and maintaine HIS KNIGHTS THE BISHOPS, in such inordinate riches and unlawfull authority, so long say I, ye * shall never banish that monstrous beast the Pope and that the out of England, yea and it shall be a meanes in proceffe of time to bring us into temporall bondage also againe, to have him raigne as hee hath done, like a God. And that know our forked caps right well, which thing maketh them so boldly and shamelesly to fight in their Gods quarrell, against Christ and his word, &c. The Bishops by their subtilities and most crafty wiles, make the people to abhorre the name of the Pope of Rome for a face, and compell them to walke in all his wicked Lawes. And the word of God which we say we have receiued, is not, nor cannot be suffered to be preached and taught purely,

* Note well what ensueth.

purely, and sincerely without mixing it with their invented traditions and service. Wherefore to open the Conclusion of this little lamentation, if yee will banish for ever the Antichrist the Pope out of this Realme, yee must fell downe to the ground those rotten posts, the Bishops, which be cloudes without moisture, and utterly abandon all and every of his ungodly Lawes, Traditions, and Ceremonies. Now will I speake no further against the particular Pope, forasmuch as every Bishop is now a Pope, and yee may plainly see, (by all the premises,) that the proud Prelates the Bishops (I meane) be very Antichrists, as is their Father of Rome. Thus bee, to whom I shall subjoyne Henry Stalbridge his Exhortatory Epistle, to his dearly beloved Countrey of England, against the pompous Popish Bishops thereof, as yet the true members of their filthy Father the great Antichrist of Rome, printed at Basil, in King Henry the 8. his dayes, with whose words I shall close up this breviate: I say yet once againe, (writes hee) and that in the Seale of the Lord, as hee is my judge, I wish, (if his gracious pleasure so were,) that first the Kings Majesty, and so first all these, unto whom God hath given power and authority upon earth under him, may thoroughly see and perceive how that not onely the bloody beare wolfe of Rome, but also the most part of the other Bishops, and stout sturdy Canons of Cathedrall Churches, with other petty proulers and prestigious Priests of Baall his malignant members in all Realmes of Christendome (especially here in England) dath yet roare abroad like hungry Lions, fret inwardly like angry Beares, and bite as they dare like cruell Wolves, clustering together in corners, like a swarme of Adders in a dunghill, or most wily subtil Serpents, to uphold and preserve their filthy Father of Rome, the head of their bawdy brood, if it may be. * No lesse doe I * Note. judge it, then a bounden duty of all faithfull Ministers, to manifest their mischeifes to the univ'rsall world, every man according to his Talent, given of God, some with penne, and some with tongue; so bringing them out of their old estimation, least they should still raigne in the peoples consciences to their soules destruction. An evident example have they of Christ thus to doe, which openly rebuked their

filthy Fore-fathers, the Scribes, Lawyers, Pharisees, Doctors, Priests, Bishops, and Hypocrites, for making Gods Commandments of no effect, to support their owne traditions, *Mar. 8. Luc. 12.* Paul also admonisheth us, that after his departure should enter in among us such ravening wolves, as should not spare the flocke. These spirituall *Man-hunters*, are the very offspring of *Caine*, children of *Caphas*, and Successors of *Simon Magus*, as their doctring and living declareth, needing no further probation. Most cruell enemies have they beene in all ages to the verity of God, ever since the Law was first given, and most fierce persecutors of Christ and his Church, (which hee there prooves at large by severall examples;) No where could the verity be taught, but these glorious gluttons were ever at hand to resist it: Marvell not yee Bishops and Prelates, though I thus in the Zeale of *Helyas* and *Phineas* stomacke against your sturdy stormes of stubbornes: For never was any tyranny ministred upon Christ, and his mysticall members, but by your proud procurements. And now in our dayes where are any of the Lords true servants burned, or otherwise murdered for true preaching, writing, glosing, or interpreting the Gospell, but it is by your cruell calling upon, &c. If you be not most wicked workers against God and his verity, and most spitefull Traytors to the King and his Realme, I cannot thinke there be any living upon the earth. Be this onely spoken to ye, that maintaine such misteries of madnes. Never sent Christ such bloody Apostles, nor two burned warriours, but the Devils Vicar Antichrist, which is the deadly destroyer of faithfull beleivers. What Christian blood hath been shed betweene Empire and Empire, Kingdome and Kingdome, as betweene Constantinople and Almaine, England and France, Italy and Spaine for the Bishops of Rome? and how many cruell wars of their Preists calling on, were too much, either to write or to speake. Alwayes have they beene working mischeife in their idle generation,

* Note well to obscure the verity of God. * I say yet once againe, that it were very necessary for the Kings worthy Majesty with earnest eyes to marke, how God hath graciously vouchsafed to deliver both him and his people from your troublesome termagant of Rome, which

asfore

afore made all Christen Kings his Common Slaves; and to
 beware of you holow hearted Trayters, his spirituall Promoters,
 considering that your proud Predecessors have alwayes so wickedly
 used his graces noble Progenitors the worthy Kings of this Realme,
 since the Conquest and afore. Who overthrow King Herold, sub-
 ducing all his Land to the Normaines? Who procured the death of
 King William Rufus, and caused King Stephen to be throwen in
 prison? Who troubled King Henry the first, and most cruelly vexed
 King Henry the second? Who subdued and poysoned King John?
 Who murdered King Edward the second, and famished King
 Richard the second most unseemingly? Besides that hath beene
 wrought against the other Kings also. To him that shall read and
 thoroughly marke the religious acts of * Robert the Archbishop of
 Canterbury of old, Egelwinus, Anselmus, Randolf of Durham, Brit. and
 Ralf of Chichester, Alexander of Lincolne, Nigellus of Hely, Godwinus
 Roger of Salisbury, Thomas Becket, Stephen Laughton, Walter Catalogue of
 Stapilton, Robert Baldocke, Richard Scrope, Henry Spencer, their lives.
 Thomas Arundell, and a great sort more of your anointed Ante-
 Dr. Barnes
 cessors, Pontificiall Prelates, mitred Mummings, mad mastery his Supplic.
 workers, ringed Rufflers, rocketed Rutters, shorne sawcy Swil-
 bols, it will evidently appeare, that your wicked generation hath
 done all that, and many other mischeifes more. By these your sit-
 thy Fore-fathers and such other, hath this Realme beene alwayes in
 most miserable captivity, either of the Romans or Danes, Saxons or
 Fox ARS &
 Normans, and now last of all under the most blasphemous Behe-
 Monuments
 moth your Romish Pope, the great Antichrist of Europa, and most
 P. 320. 321
 mighty maintainer of Sodom and Gomorize: How unchristianly
 479. 409.
 410. 533
 your said Predecessours have used the Rulers of all other Christian
 1035.
 Realmes, it were to long to write. * I reckon it therefore high-
 1036.
 time for all those Christian Princes, which pretend to receive the
 1132.
 Gospell of salvation, and accordingly after that to live in mutuall
 186. 10234
 peace and tranquility, for ever to cast ye out of their privy Counsels, Mr. Tyndals
 * Note, See
 and utterly to seclude you from all administrations, till such time as
 Practise of
 they finde ye no longer wolves, but faithfull feeders; no destroyers, but
 Popish Pre-
 gentile teachers. For as Saint Peter doth say, 1. Pet. 5. Tee
 lates accor-
 dingly.

¶ See the 5.
and 6. part
of the Hom.
against will.
full Rebellion
and the 2.
part of the
Homily on
Wittsun-
day.

* Ibid. f. 18.
E 22. to
31.

* The Sup-
plication,
Vol. 3. f. 23.

ought to be no Lords over the people of your Diocesse, but examples of Christian meeknes. Who seeth not that in these dayes your bloody Bishops of England, Italy, Cycell, France, Spaine, Portingale, Scotland and Ireland, ¶ be the ground and originall foundation of all Controversies, Schismes, variances and warres betwixt Realme and Realme at this present, &c. Consider your beginning. Never came yee in with your Miers, Robes, and Rings by the doore, as did the poore Apostles, but by the window unrequired, like robbers, thieves and manquellers with Simon Magus, Marcion and Menander. Never was your proud Pontificall power of the heavenly Fathers planting, and therefore it must at the last up by the rootes, ye must in the end be destroyed without handes, Dan. 8. &c. * I thinke the Devills in hell, are not of a more perverse minde, nor seeke more wayes to the soules destruction then you. Yee play Pharao, Caiphas, Nero, Trajanus, with all Tyrants parts besides; Oh abominable Scorners and thieves, which practise nothing else but the utter destruction of soules? If any thing under the heavens hath need of Reformation, let them thinke this to be one which minded any godlinesse: For never did cruell Pharao hold the people of Israell in so wicked captivity, as doth this superstitious sort of idle Sodomites, the most dearly redeemed heritage of the Lord. If they be no spirituall thieves, soule murtherers, heretickes, Schismatiques, Church-robbers, Rebels, and Traytors to God and to man; where are any to be looked for in all the world? Another thing yet there is, which causeth me sore to lament, the inconveniences thereupon considered. And that is this, although the Scriptures, Chronicles, Canons, Constitutions, Councils and private Histories, with your manifest acts in our time, doth declare your Fore-fathers and you such Heretickes, thieves and Traytors to the Christian Common-wealthes, as hath not bene upon the earth, but you, yet you are still taken into the privy Counsels, both of Emperour and King. (Yea as * Thomas Becon complaines, They alone be chiefeest and of much estimation; they alone ruffle and raigne; they alone beare the swaying in the Court, they alone have all things going forward as they desire: They alone be capped, kneeled, and crouched

unto:

unto: T
at their
crayters
looked in
Houfe;
of Engle
to such
full spiri
height
are mis
all that
to that
it truly
for thy
Kings
now
these
Gome
to the
him
• Fo
holow
also a
again
Pop
take
godl
for a
him
Kin
pati
rime
fwo
dra
ray

unto: They alone have the keyes of the English Kingdome, hanging at their girdles: whatsoever they binde, or loose whispering, and trayterously conspiring among themselves, that same is bound and loosed in the Star-chamber in Westminster Hall, in the Parliament House, yea in the Kings privy Chamber, and throughout the Realme of England. The very Nobility of England are in a manner brought to such slavery, that they dare not displease the lefsest of these spitefull spirituall limbes of Antichrist, wee may now say, (into such an height the spirituall Sorcerers are growen,) that Priests in England are mightier then either Wine, King, Quene, Lords, Women, and all that is besides &c.) * But what a plague it is, or miserable yoke * Note well. to that Christen Realme, whereas you beare the swinge, I thinke it truly unspeakable, though it be not seene. O eternall Father, for thy infinite mercies sake, grant thy most faithfull servant, the Kings Majesty our most worthy Sovereigne Lord and Governour under thee, clearely to cast out of his privy Counsell-House, these Lecherous locusts of Egypt, and dayly upholders of Sodome and Gomor the Popes cruell cattle, tokened with his owne proper marke, to the univerversall health of his people, as thou hast now constituted him, an whole complete King, and the first since the Conquest. * For never shall hee have of them, but deceitfull workemen, and * Note. hollow-hearted Gentlemen: and not onely that (good Lord,) but also deprive them of their usurped authority and power, restoring againe therunto his temporall Magistrates, whom their proud Pope hath hitherto most tyrannously thereof deprived. Finally, to take from them their inordinate Pompe and * Riches, and more * See a Supplication to King Henry the 8. An. 1544. accordingly. for an Example the Noble Germanes have graciously done before him. After a farre other sort defended the Apostles the spirituall Kingdome of Christ. Their armour was righteousness, poverty, patience, meeknes, tribulation, contempt of the world, and continuall suffering of wronges. Their strong sheild was faith and their sword the word of God, Ephes. 6. With the Gospell preaching drove they downe all superstitions, as you by your Lordshippes have raysed up againe in the glorious Church of Antichrist. The King-

dome that bee for sake John. 6. and the Lordship, that bee so straitly forbad you: *Luc. 22.* have you received of the Devill, with that ambitious reigne of covetousnes, which bee left behinde him on the High-Mountaine. *Math. 4.* What ruinous decayes hath chaunced to all Christen regions and their rulers, for giving swift credit to the sleering flatteries of your Babylonish brood, it were

* Note well. much to write. * It shall be therefore necessary for our most worthy King to looke upon in time, and both to diminish your auctority and riches, least yee hereafter put all his godly enterprises in hazard. For nothing else can yee doe of your spirituall nature, but worke daily mischeifes. As well may yee be spared in the Common-wealth, as may Kites, Crows, and Bussardes, Polcates, Wessels, and Rats, Otters, Wolves and Foxes, Body lice, Flees, and Fleesh-fies, with other devouring and noysome vermine. For as unprofitable are yee unto it as they, and as litle have you in the word of God, to uphold you in these vaine offices of Papistry, as they. * Thou

* Note well. uncommodious commodity hath England had of you alwayes, when yee have beene of the Kings privy Counsell, and I thinke hath now at this present honor, that what soever godly enterprise is there in doing, be it never so privily handled, yet shall the Popish Prelates of Italy, Spaine, France, Flaunders, and Scotland, have sure knowledge thereof by your secret messengers, and you againe their crafty compassings to deface it if it may be: * Neither shall those Realmes continue long after, without warre, specially if an earnest reformation of your shamefull abuses be sought there. And never shall the originall grounds of that warre be knownen, but other cases shall be layd to colour it with, as that the King, seeketh his right, his princely honour, the maintenance of his Titles, or the Realmes Common-wealth, being nothing lesse in the end, but an upholding of you in your mischeifes. So long as you beare rule in the Parliament House, the Gospell shall be kept under, and Christ persecuted in his faithfull members. So that no godly Acts shall come out from thence to the glory of God; and Christen Common-wealth, but yee will so saunce them with your Romish Sorceries, that they be ready to serve your name. Although the Kings Majesty hath permitted

* See Master
Tyndals
Praeface of
Prelates
accordingly.

in the Scriptures, yee must the true Ministers thereof at your most cruell appointment, either suffer most tyrannous death, or else with open mouth deny Christs verity, which is worse then death. Thus grieve yee * strength to his Lawes, and nourish up * See William Wraughtons pestilent Pope of Rome. Yee play altogether Hick-scorner under burning of the figure of Ironia: That yee say, yee hate, yee love, and that yee the Romish say, yee love, yee hate. Let all faithfull men beware of such double-Fox. day dreamers, and halow-hearted Traytors, and thinke * whereas * Note well, they beare the rule, nothing shall come rightly forward, either in faith, or Common-wealth. What other workes can come from the Devills working tooles, then cometh from the hands of his owne malignant mischeife? Who can deny the Bishops to be the instruments of Satan, understanding the Scriptures, and beholding their daily doings? * Thinke yee there can be a greater plague * Note. See to a Christian Realme, then to have such ghostly Fathers of the Doctor Kings privy Counsell? If wise men doe judge it any other, then a Barnes his just plague for our sinne, and a yoke layd upon us for our unrepent. Supplication receivng of that heavenly treasure, the eternall Testament of King Christ, to have such Hypocrites, Theeves, and Traytors to raigne Henry the 8 over us, truly they judge not aright. If wee would earnestly there- Supplication fore repent of our former living, and unsaindly turne unto our ever- to him, An. living God, as we finde in the Testament, I would not doubt it, to 1544. jeopard both my body and soule that wee should in short space be accordingly. delivered of this Romish vermine, rising out of the bottomlesse pit: Apoc. 9. which eateth up all that is greene upon earth, or hath taken any strength of the living word of the Lord. For the heart of a King is alwayes in the handes of God, and at his pleasure hee may Supplication evermore turne it: Prov. 21. Take me not here, that I condemne fol. 23. any Bishop or Preist, that is godly, doing those holy offices that the Scripture hath commanded them, as preaching the Gospell, providing for the poore, and ministring the Sacraments right. But against the bloody Butchers that murder up Gods people, and daily make harvock of Christs Congregation to maintaine the lewes Ceremonies, and the Pagans Superstitions in the Christen Church. These are

not

not Bishops, but Bitesheepes, Tyrants, Tormenters, Termagants, and the Divels slaughter men. Christ left no such Disciples behind him, to set with cruell Caiphas at the Sessions upon life and death of his innocent members: But such as in poverty preached the Gospell, rebuking the wicked world for Idolatry, Hypocrisie, and false Doctrine. Episcopus is as much to say, as an Overseer, or Superintendent, whose office was in the primitive Church purely to instruct the multitude in the wayes of God, and to see that they were not beastly ignorant, in the Holy Scripture, as the most part of them are now a dayes. Presbyter is as much to say, as a Seniour or Elder, whose office was also in godly Doctrine and Examples of living to guide the Christen Congregation, and to suffer no manner of Superstition of Jew nor Gentile to raigne among them. And these two offices were alone in those dayes, and commonly executed of one severall person. They which were thus appointed to these spiritual

* See Bucerus offices, did * nothing else but onely preach and teach the Gospell, De Regno having assistants unto them, inferior officers called Deacons, Acts. 6. Christi, l. 2. 1. Cor. 1. Rom. 3. No godly man can despise these Offices, neither yet condemne those that truly execute them. Not onely are they worthy to have a competent living, 1. Cor. 9. but also double c. 12.

† Note. See the Supplication to King Henry the 8. An. 1544. honor after the Doctrine of Saint Paul, 1. Tim. 5. † But from inordinate excesse of riches, ought they of all men to be sequestred, considering that the most wicked nature of Mammon is alwayes to corrupt, yea the very elect, if God were not the more mercifull, Math. 6. Which might be an admonition to our Lordly Bishops, when they be in their worldly Pompe, that they are not Gods Servants, beleived they his sayings as they doe nothing lesse. I cannot thinke, that any Christen Bishop or Priest will be offended with, ought that I have written here, but rather preferre it to their power, it making nothing against them, seeking Gods glory and not their owne. Finally with heart I desire, that these enemies of the truth be no longer given over of God, but that they may finde some just way to repentance, and from henceforth to maintaine the pure Lawes of Christ, as they have in times past, the most filthy traditions of Antichrist; (to wit, the Pope of Rome, from whose Succession and

See

See our
descent,
An. 6
the Sav
intitule
by M
Doe jo
thus m
of Rom
Episcop
liable
Troya
digree
Henry
Iclose
licious
or any
and C
ments
Tertul
secuto
time,
with t
Sic it
cruce
trunc
cium
Presb
disce
verit

Doct
yet it s
ously
15. A

See our Archbishops and Bishops, specially deriue their pedigree and
 descent, as Master Maslin in his Booke of Consecration of Bishops, *¶ Yet the*
An. 613. p. 9. 10. 140. Who thrice together calls the Lords-day the Time *Hemily of*
 the Sabbath-day, p. 269. and Doctor Pocklington, in his Sermon, and Place of *the Time*
 intituled, *¶ Sunday no Sabbath-day*, London, 1636. licenced *Prayer, 8.*
 by Master Bray, the Archb. shop of Canterburies Chaplaine, *seuerall*
 Doe joyntly averre, to our Prelates great honour, whom they *times 10-*
 thus make the very brats, sonnes and members of the Popes *gether, siles*
 of Rome, from whom they thus deriue, challenge, and pretend their *Sunday*
 Episcopali Authority, Jurisdiction, and Succession, and so are *THE*
 liable to the penalties of the Statute of 27. Eliz. c. 2. and *SAB-*
 Traitors to the King, if these their flatterers Doctrine, and pe- *BATH,*
 digree, which they give them, be true:) So be it. Thus *THE*
 Henry Stalbridge concludes from Basile, *An.* 1544. and so doe *SAB-*
 I close up this Breviate: For which if any unduetifull or ma- *DAY,*
 licious Prelates shall chaunce to persecute, vex and torture me *THE*
 or any other, for this my Loyalty, love and duety, to my King *CHRIS-*
 and Countrey, in laying open these their exorbitant encroach- *TIAN*
 ments, both upon King and Subject, I shall answer them as *SAB-*
 Tertullian once did the Barbarous Heathen Presidents and per- *BATH,*
 secutors of his age, who tortured the poore Christians in his *and that in*
 time, who heartly prayed for the Emperor and Publike-weale, *the year*
 with bended knees, and stretched out hands unto their God: *1550. 4.*
 Sic itaque nos ad Deum expansos ungulae fodiant, *years be-*
 cruces suspendant, ignis lambant, gladij guttura de- *fore the*
 truncant, bestiae insulant, paratus est ad omne suppli- *troubles of*
 cium ipse habitus orantis Christiani. Hoc agite boni *Frank furd.*
 Presides, extorquete animam Deo supplicantem, *So that Whi-*
 disceptantem, pro Imperatore. Hoc erit crimen ubi *tingham &*
 veritas & Dei devotio est. *Knox were*
not the first
Iewish
Doctors, that
Christned is
with that
name as this
scurrilous

Doctor termes y. who though hee pleades much in his Sermon for reading of Homilies,
 yet it seemes hee had need be set to read them himselfe, else hee would not
 thus audaci-
 ously write pointblank against them, contrary to his owne Subscription to them, & the
 15. Article; and against the 70. Can. to which calls Sunday the Sabbath-day.

AN APPENDIX.

S Ant. Hierom in Epitaph. Nepot. ad Heliodorum, Tom. 1. p. 26. writes thus: *The King rules over men, though they will not; Bishops, but over such as will: Kings make others Subjects to them by terrors: Bishops are appointed to serve, not to terrifie: Kings keepe and rule the bodies untill death: Bishops keepe and rule the soules unto eternall life, &c.* The a second Concell of Towres, Can. 25. confesseth of Bishops and Councels themselves, *Arma nobis non sunt alia, &c.* wee have no other weapons, besides excommunications and anathematizings: Pope Nicholas himselfe in Gratian. Causa. 33. q. 2. cap. inter hæc, concludes thus, *The Church hath no other, but onely the spirituall sword.* Hincmarus, Archbishop of Rheemes, Epist. 4. c. 1. writes; *there are two things, by which the world is governed, Pontificall authority, and Regall power: and neither may thrust himselfe into the office of the other.* The Church of Leodium in an Epistle against Paschall, the second about the yeare of our Lord, 1107. avers, that all Bishops of Rome, (how much more other Bishops,) from Gregory the 1. unto Hildebrand, *Solo gladio spirituali: did use onely the spirituall sword,* Waltram, Bishop of Naumberg, l. 2. de De Vnit. Eccles. & Imper. cap. 4. saith: *Hildebrand hath usurped Regall authority against the ordination of God, for the Church hath no sword given unto it, Nisi gladium spiritus, but the sword of the spirit.* Petrus Damianus, l. 4. Epist. 9. determines in this sort: *The offices belonging to Bishops and Kings are proper to each of them: The King is, to use secular weapons, Bishops, the sword of the spirit.* Or was smitten with leprosie, for usurping the Priests office; what then doth the Priest deserve, if hee take secular weapons, Ecclesiarum.

Qui infirmatur & ego non infirmor? Qui scandalizatur, & ego non uror? Qui ergo presbit Ecclesie, talem sollicitudinem habere debet, & illam aliam secularem omnino habere non debet. Origen. lib. 9. in Epist. ad Romanos.

which

which are proper to Laymen ? Anselme, Archbishop of Canterbury, on Math. 26. resolves in this manner : There are two swordes in the Church; the one materiall, the other spirituall ; and there are secular Ministers to whom belongs the handling of temporall matters , and spirituall to whom spirituall things belonge. The temporall sword is given to secular men, the spirituall to spirituall persons ; as the King may not intermeddle with the Priestly state, so neither may a Bishop exercise that which belongs to a King : Juo, Bishop of Carnotum Epist. 171. saith; Where the people will not obey the admonitions of Bishops, they are to be left to Gods judgement. (not fined and imprisoned.) Pope Celestine the third, decrees thus : Extrav. de Judic. cap. cum non ab homine: If a Clerke be incorrigible, hee must be excommunicated, and then smitten with the sword of anathema; if hee contemne that, seeing the Church; Non habeat ultra quid faciat, can goe no further then this, hee must be punished by temporall power. Gratian himselfe, Causa. 2. q. 7. cap. Nos si : resolves thus : Note, there are two persons, by which the world is governed, Regall and Sacerdotall; as Kings are the cheife in secular causes, so as Bishops in the causes of God : It is the office of Kings to inflict corporall, the office of Bishops, to use spirituall punishment. Petrus Bleensis writes thus to two Bishops, Epist. 73. Let the Church first exercise her Jurisdiction, and if that will not suffice, then let the secular sword supply, that which wanteth. And Epist. 42. You being chosen for a Bishop, doe with bloody conscience use the power of the secular sword ; let him exercise the materiall sword, who hath the power of that sword. Secular powers are ordained of God, that they should have that sword : If you take Christs Ministry, abide in that vocation wherein you are called, leave the Governement. of the people to Lay-men. Guntherus Ligurianus, De Gestis Friderici, l. 6. 7. p. 369. writes thus : Let the Pope governe the Church (with the spirituall sword) and order Divine, not secular matters : that indeed, (saith Spigelius the Scholiast,) is consonant to Saint Pauls precept. No man going a warfare, for God intangles himselfe in secular affaires. Joannis de Parisiis, De Po-

testate regia & Papali, determines thus, cap. 10. *Let us suppose that Christ had such secular power and dominion, as some pretend, yet hee gave it not to Peter, and therefore it is not due to the Pope, as hee is Peters Successor, which hee there proves at large.*

b Apud Ro- In b the Councell of Trent, An. 1327. where there were many
vium, An. Bishops and great Personages of Milan, Mantua, Verona,
1327. n. 1. and other Italian States assembled, it was resolved; That the Popes
2. and Bishops have no jurisdiction, (Civill or Ecclesiasticall) from
Christ, but from the Emperor, and that the Pope and Ecclesiasticall

† Avoentinus persons are subject to secular Emperors. An. 1342. in † a
Annalium Councell held ad Rheginoburgum, in which the Emperor
Boio: um, Lewes the 4. the Kings of England and Bohemia, and the rest of the
1.7. p. 610. Empire, as well spirituall as temporall Princes were present, this
612. Edict was published in the Emperors name against Pope Iohn
Krantz. 1.9. the 22. These two are repugnant and most different, a Crozier, and
Saxon. c. 15. a Crowne, a Souldier and a Priest, an Emperor and a Pastor, a
Scepter and a Sheepe-hooke; corporall things and spirituall armes,
and Sacraments; warre and peace, Caesar and a Nuntio, a Prince
and a Minister, a Lord and a Servant. For one man to be
both a King and a Bishop is a beast of many heads, a two headed
Monster: that verily, which wee read in ancient Coynes and
Epigrams, Decius and Nero, and such Tyrants and worshippers
of false Gods to have beene. It is the abominable scorne and deri-
sion of nature, the anger of God, and our sloath and sluggishnes, that
the Prince of Princes, should serve the Servant of Servants. If
the Pope be the servant of the servants of God, why doth hee not
serve? why doth hee not love? why doth hee not minister? why
doth hee not feed? why doth hee not teach? why doth hee not preach?
If hee will be that hee desires to be, why doth hee not follow the foot-
steps of Christ, of Peter, and Paul, in prisons and various dangers?
why doth hee lye, play the turne coate, deceive, raigne, domineere,
out of his greedines of power, he confounds high & low things together
for money, all things are veniall, hee sets God and Hell to sale, why
doth hee so litle esteeme the life of Christ, who refused to be an arbi-
trator betweene the brethren, desiring him to devide the inheritance
betweene

betweene them, but sent those competitors to Caesars Judges, and banished the tribunall from himselfe, when the people of their owne accord offered the Kingdome of Palestina, hee fled away, confessing his Kingdome not to be of this world. Wherefore John the 22. not without the great ruine of himselfe, & the Common-wealth runs headlong with the lust of domineering: hee takes care to usurpe other mens rights and imployments, which nothing appertaine unto him, and neglects his owne affaires, namely religion, spirituall things, the manner and loves of men: hee usurpes the Empire of the earth and mortall things, though Christ himselfe prohibites him; hee, who professeth the Crosse and poverty of Christ, sets up Presidents and Proconsuls in another mans territories. Our famous Schooleman & William Occam resolves, That the Pope as hee is Christs Vicar, hath power onely to excommunicate, but hee hath no power to inflict any greater or any corporall punishment; because, neither Peter nor any other of the Apostles, had coactive or temporall power given them by Christ, therefore neither hath the Pope, who is their Successor, any coactive jurisdiction from Christ, or by his ordinance, or his appointment; which hee there (and *Marsilius Patavinus*, *Defensoris Pacis*, pars 2. c. 5. 15. 27.) prooves at large. The Councell of Constance having excommunicated Iohn Husse, saith, Sessio 15. They must leave him to the secular power, seeing the Church hath no more higher punishment, that it can inflict. *Antonius Rosselus* writes, It is impossible, that a Monarch, both the same man should be a full Bishop, and with all a Civill pars 1. c. 38. Emperor, or Magistrate; and hee hath a large Chapter to proove this position: That a temporall Empire or Dominion, neither is, nor can be in a Bishop. *Cardinall Cusanus*, l. 3. *De Concordia Catholica*, c. 41. writes; That the Pontificall and Imperiall powers are both of them from God, either distinct from the other, neither depending on the other; This saith hee, was the true opinion of all the ancient Fathers and Writers, although now it be grown doubtfull by reason of the sinister desire, which many have to speake pleasing things. *Petrus de Aliaco*, Cardinall of Cameracum, *De Ecclesiae autoritate*, lib. Prooemio, determines thus:

d Dial. pars.
1. c. 6. c. 9.
83.

& 70.

In Distinct.
24. 3.
Concl. 3.

g Doctr. fid.
Tom. 1. l. 2.
Art. 3. c. 78.

The Catholike Church holds and teacheth, that to the Pope as Christs Vicar temporall Dominion is not due, against the second error (of the Herodians,) and that the Pope may have temporall Dominion, by the concession of temporall Princes, or derivation from them, against the first error of the Waldenses. And de Resumpt. Concl. 1. Although both Christ and his Vicar, as hee is the head of the Church, hath a spirituall Monarchie, yet hee hath not a temporall or Kingly Monarchie. f Iohn Major layes downe this conclusion: That the Popes themselves professe, that temporall Jurisdiction doth not belong unto them; and that the temporall and spirituall power are distinct, neither of them subordinate to the other. Iacobus Almaine, De Potestate Ecclesiastica & Laica, q. 3. c. 8. avers; that the Pope hath no Laicall Jurisdiction, Nisi ex collatione Imperatorum & Principum, but by the Donation of Emperors and Princes: and that the spirituall and temporall powers, and Jurisdictions are distinct. Theodoricus à Niem, a Popish Bishop, De Schismate, l. 3. c. 7. saith: The Imperiall power as also the Ecclesiasticall, depend immediately of God; and therefore they speake foolishly and flatteringly, who affirme; that the Pope and Church have two swords, spirituall and temporall. These Parasites and Flatterers have brought a very great error into the Church, which raiseth perpetuall discord betweene the Pope and the Emperors. 2 Thomas Waldensis, our owne famous Popish writer, though Wickliffe professed Antagonist, confesseth and prooves at large; That the Priest and the King have under Christ, impermixtas potestates, powers which are not actually conjoined in any one of them; the Priest having no temporall power or Dominion. George Hiemburg. In admonit. de injusta usurpatione Paparum s. quibus: reciting the authority of Ierome, Origen, Chrysostome, Basil, Barnard, Paul, and Christ himselfe, against the Popes usurped Monarchy, concludes thus; By these now it doth appeare more cleare then light; that Christ gave no temporall power at all unto Priests, muchlesse did hee give the fullnesse of terrene, and secular power: Nay it doth clearely appeare, that this power is both

hIn L. bene
à Zenone
Cod. de quad.
præf. n. 4.
f. 109. 110

both by Christs word and example forbidden to the Apostles and
their Successors. b Albericus à Rosate writes : Hence it ap-
peares that the Pontificall and Imperiall powers are altogether
distinct, and that neither of them depends on the other. Franciscus
à Victoria, Relect. 1. De potest. Ecclesiast. Sect. 2. n. 7. con-
cludes ; The Apostles had power and authority in the Church, but
it was not any Civill power, seeing neither their Kingdome nor
power was of this world. Albertus Pighius, Contr. 16. Sect.
quod Christus, p. 254. seconds him thus : That they say, that
Christ gave onely spirituall power to his Apostles, I like it well, and
say the same. Duarenus lib. 1. de Sacr. Eccles. Ministr. c. 4. de-
termines thus ; Bishops have not the right of the sword, nor an Em-
pire or secular Dominion : This belongs to Civill Magistrates,
as Christ clearly witnesseth, when hee saith ; My Kingdome is
not of this world. The Divines of Rhemes, in their Annotations
on Math. 22. Sect. 3. alleadge and approve this saying
of Hosius. Neither is it lawfull for us Bishops, to hold an Empire on
earth, neither hast thou O Emperor power, to burne incense and
sacred things. Cornelius Iansenius, Concord. Euang. c. 66.
on these words ; tibi dabo claves : comments thus ; Al-
though Peters power be on earth, yet Christ saith not, that hee would
give unto him the Keyes of the Kingdome of earth, but of the Kingdome
of Heaven ; That Peter might know, that his power did extend
onely to spirituall matters, which belong to the Kingdome of Heaven,
and not to temporall things. i Yea Cardinall Bellarmine con-
fesseth ; That the Pope is not Lord of any Province or Towne, and Pontifice
hath no Jurisdiction meerly temporall by any right from Christ. That Roman,
the Pope as Pope hath not directly and immediately any temporall
power, but onely spirituall, it is the Common Judgement of Ca-
tholike Divines. Sir Thomas Moore, In exposit. passionis,
De amputata Malchi aure, saith ; That which Christ
commaunded Peter, put up thy sword into thy scabbard, is as if hee
had said, neither will I be defended with this sword, and I have
chosen thee into that place, that I will not have thee to fight with any
such a sword, but with the sword of Gods word : Let the materiall
sword

sword be put up into his place, put it into the hands of secular Princes, you that are my Apostles, have another sword to use. Stephen Gardiner, Bishop of Winchester, in his Booke, De vera obedientia, prooves, That the sword of the Church extends no further then teaching, and excommunication, and that the Sovereignty of Governement, as well in Ecclesiasticall, as temporall causes belongs to Princes; this being the summe of the Booke, and of Bishop Bonners Epistle before it, who affirms the same. Cardinall Pool, De Summo Pontific. c. 23. sings the same Song; By these words it is shewed, that Christs Kingdome was spirituall and Ecclesiasticall; his Church is no Kingdome of this world, but of heaven: This Kingdome Christ hath left to Saint Peter and his Successors. k Nicholas Saunders, harpes on the same stringe: There are two powers (saith hee) in the Church: One is ONELY Spirituall, and such is the power of Bishops; the other is mixt, being originally secular, but in respect of the end spirituall, such is the power of Kings. Duræus de Iesuite Confut. Respons. Whitaker, p. 311. alleadgeth that saying of Bernard as true: Both swords are the Churches, but the materiall to be used for the Church, the spirituall by the Church. Robert Parson, that busy Iesuiticall polipragmon in all states, protests

l Treatise of thus, i Wee Catholikes give no Monarchicall civill power, or Mitigation, Sovereignty unto the Pope over Princes or their Subjects, but that c. 2. n. 29. Sovereignty onely which belongs to the spirituall head, which is onely spirituall, and for spirituall ends. And George Blackwell the Arch-priest concludes: m That the Pope hath no temporall, w Large ex- mination of but ONELY spirituall authority; and that the Popes spirituall authority extends no further then to the Censures of the Church George Blackwell, properly so called. p. 70. 71. 72.

From all these concurring Romish authorities, both forraigne and domesticke, of ancient moderne and present times, (for I have purposely omitted all Protestant writers, who speake more home and fully

fully to the point, because our Bishops little regard them,) these foure conclusions necessarily arise.

1. *First*, That temporall and spirituall Iurisdiction, are so distinct and severall in their owne natures, that they ought not to be confounded in any one Prelate, or spirituall person, no not in the Pope himselfe: therefore not to be conjoynd in our Bishops, or executed both together by the selfsame persons in one, and the selfsame Court and cause; as they are now of late by our Bishops and others, in our Ecclesiasticall High-Commissions; who there smite with both swords at once, and inflict both temporall, and Ecclesiasticall Censures on one and the selfsame persons, at the selfsame time, for one and the same offence; as their dayly practise witnesseth, contrary to all Courts and Presidents whatsoever in former ages, either at home or abroad.

2. *Secondly*, That neither the Pope himselfe, (of whom most of these authorities are particularly meant,) nor any other Archbishop, Bishop, Prelate, or Ecclesiasticall person whatsoever, hath, or ought to have, or exercise by the Law of God, any temporall power or Iurisdiction, directly, or indirectly, *being in expresse termes prohibited them, by Christ in himselfe;* but, to content themselves onely with the spirituall sword, and Censures, and that authority which Christ hath given them. Therefore they neither may nor ought to beare any temporall office, magistracy, rule, or judicature in the Common-wealth, nor yet to inflict any civil temporall Censures or punishments, (as fines, imprisonments, confiscation of goods, losse of freeholds, banishment, suspension from mens lawfull trades and vocations &c.) on any of his Majesties Subjects, especially for Ecclesiasticall, (and oft times for no) offences, (as they dayly doe in the High-Commission, contrary to Law and the practise of all former
 ages,

n Math. 20.

25. 26. 27.

28. Mar.

10. 35. to

46. Math.

23. 10. 11.

12. Luk. 9.

46. 48.

c. 22. 25.

and 26. 27.

Math. 18.

1. 1. Pet.

5. 1. 2. 3. 4.

5.

ages,) but only to rest, satisfied with Ecclesiasticall Censures, and to proceed no further.

3. *Thirdly*, That no Ecclesiasticall persons, by vertue of any Ecclesiasticall power or Iurisdiction; could fine, or imprison, or inflict any other temporall punishments on any man for Ecclesiasticall offences; but only punish him with † Ecclesiasticall Censures, before the making of the Statute of 1. Eli7. c. 1. Therefore the Statute, *univrsing only the Ecclesiasticall Iurisdiction to the Crowne in that state as then it found it, abolishing the Statute of 2. H. 4. c. 15. and all other Aets against Hereticks; and giving the Queene her Heires and Successors, a power only to delegate her Ecclesiasticall (not her temporall) Iurisdiction to the High-Commission, neither gives nor intended to give the High-Commissioners, any power at all to fine or imprison any Subjects, or to inflict any corporall or temporall Censures on them for Ecclesiasticall offences, as it is now their dayly practise.*

† No ancient generall Councells did ever imprison Hereticks or Scismatickes for these fautes, but only excommunicate, or deprive them.

4. *Fourthly*, That it is as unseemely, as unlawfull for Bishops and Ecclesiasticall persons to beare temporall offices, manage civill affaires, or exercise temporall Iurisdiction, Censures, or Dominion over others, either in secular or Church affaires, as it is for Emperors, Kings or temporall Magistrates, to exercise the function of Bishops or Ministers; to read Divine Service, preach, administer the Sacraments of Baptisme and the Lords Supper, conferre Orders, and the like; or to excommunicate men in their temporall Courts, for secular crimes. And that as Kings, and temporall Magistrates, continuing such, cannot doe not ordinarily exercise the Bishops, or Ministers spirituall function, or inflict Ecclesiasticall Censures, no not by a speciall deputation, license, or authority from Bishops and Ministers, so they on the other side, by the same reason cannot, may not, by themselves alone,

or by
Princ
porall
for C
risdi
direct
term
Kings
them
expre
with
King
duce
mize
our t
at las
Aets
contr
ranke
and i
Prel
poral
like
mul
mura
and
M
for b
presig
who
his al

Drean
Balay

or by vertue of any speciall Patent ; or Commission from Princes and temporall Magistrates, exercise any Civill or temporall Iurisdiction, or inflict any temporall Censures on men for Civill, much lesse for spirituall offences ; because such Iurisdiction and Censures are unsuitable to their callings, and directly prohibited them by • Christ, in universall negative termes ; whose inhibition will proove meere nugatory, if Kings, by speciall Patents or Commissions, may authorize them ; to execute that power, that authority, which hee so expressely forbids them to intermeddle with, and so dispence with them against the very letter of Gods word, which no King can doe. Each of these conclusions is naturally deduced from, and fully warranted by all and every of the premized authorities ; which I wish our ambitious Prelates (with our temporall Magistrates, Lords, and Iudges,) would now at last seriously consider. Wee read in all our ancient and late Acts of Parliament, that Lord spirituall and temporall, are contra distinct termes, and Titles designing two different ranks and conditions of men, occupied about different objects, and employments. But our present ambitious domineering Prelates quite confound these Titles, and will be Lords temporall as well as spirituall, welding both swords, (with which like † the Bishops of Pope Hildebrands faction, *corporum si mul & animarum sunt homicidæ*, they are become murderers, both of mens soules and bodies,) swaying the Church and Commonwealth at once; just like p Ludgerus, Bishop of Monster, who gave both a sword and a pastorall-staffe crossed, for his armes ; exercising both secular and spirituall Iurisdiction, prefigured by this Coat of armes : or like q Tope Boniface the 8. who boasting, that hee had the power of both swordes, shewed it by his actions also, when in that great jubile, An. 1300. hee rode the

Math. 20.

25.26.

Luke. 22.

25.26.27.

† Walterus

Namberg.

l. 2. de unit.

Eceli. f. 13

Imper. c. 2.

p Centur.

Magd. 8.

Col. 8. 15.

See Mark.

Westm.

An. 946:

Dionysius

Dreame. q Paral. Abbas Vßpergensis, An. 1298. p. 343. 344. Platina & Balan, Bonifacius 8.

first day as Pope in his Pontificalibus; and the next day in his Imperiall Robes, with the Imperiall Crowne, bearing a mitred sword caried before him; and one proclaiming with a loud voyce, Ecce hic duo gladij, behold here are two swordes, the spirituall and the temporall, both in my hands and disposing. Alas! should the godly

† Qui vocatur ad Episcopatum, non vocatur ad principatum, sed ad seruitutem totius Ecclesie. Origen. Hom. 6. in Isaiam.

† Cited by Doctor Crackenhorpe of the Popes temporall Monarchy, p. 167.

† Antichrist yet not come p. 297.

† See Catal.

Test. Verita-

tis. Gualther Danau, George Sohnius, Thomas Beacon, Richard Brightwell, Bishop Abbot, Bishop Downham, Doctor Whitaker, Doctor Willet, Doctor Beard, Powell, Squire, with others of Antichrist: Archbishop Whigfist, when hee commenced Doctor at Cambridge, An. 1569. and answered the Divinity All at the Commencement, maintained this Position; Papa est ille Antichristus. Sir George Paul in his life, p. 5.

humble poore † unloraly Bishops of the primitive Church, who had no such worldly honours, offices, state pompe, or secular power, as ours now enjoy, arise out of their graves; and behold the temporall and spirituall Dominion, Wealth, Habits, Port, Proceedings, Censures, and imployments of our present Prelates, they would rather deeme them Monsters, then Ministers; Flamines, then Christians; Pilates, then Prelates; Lucifers, then Preachers; Wolves, then Shepheards; Tyrants, then Overseers of Christs flocke; yea Popes and Princes rather then Bishops of Divine institution: And as the Homily of our Church, for Whitsunday, confirmed by the 35. Article of our Church, in a full Synod at London, An. 1562. The national Synod of all the reformed Churches in France held at Gja, 1603. with the nationall Synode of Ireland, held at Dublin, An. 1615. Articles of Ireland, n. 79. 80. have expressly defined the Bishop of Rome to be that man of Sinne, & verum illum & germanum Antichristum, that true and proper great Antichrist, foretold in Scripture, (though ignorant doting.) Master Schelford hath of late affirmed in print, that the Pope was never yet defined to be the Antichrist by any Synode, when as these 3. late Synodes, together with the whole

owns and other Churches, with sundry Papists, have expressly resolved him to be that Antichrist, because he usurpes both swords, and takes upon him temporall and spirituall Jurisdiction over Princes and people, overthrowing a temporall and spirituall Monarchy in Christs Church. So these godly Bishops, (of which there were many in every Church, not one over many Churches, in the primitive times, Phil. 1. 1. Acts. 20. 17. 28. c. 14. 23. 1. Tim. 5. 13. Tit. 1. 5.) beholding our Prelates just like the Pope, usurping both swordes, yea a Kingly, a Papall Monarchy in Church and State, exercising as well Ecclesiasticall and temporall Jurisdiction, and Censures over Clergy and Laity, would certainly deeme them none of Christs Apostles, nor any of their Successors, but the very limbes and members of that Roman Antichrist, from whom Doctor Pocklington, in his *Sunday no Sabbath*, p. 2. & 48. derives their lineall pedigree. *Mauritius de Alzedo*, that learned Spaniard, in his Booke *De Præcellentia Episcopalis dignitatis*, c. 1. Sect. 21. & c. 8. Sect. 29. assuring us in direct termes, that such Bishops are, *Membra & pars corporis Papæ*, the very members and limbes of the Popes body, (which hee reckons up among other their Episcopall *Praeminences*;) against whose temporall Monarchy, tyranny, and Jurisdiction, (claimed by a temporall ^{u See Doctor} forged *u* Donation from Constantine, Phocas and others) at Cracken- first, our present Bishops can neither write, nor preach, thorpes De- feeling they claime, use and exercise, both spirituall and tem- fense of Cen- porall Lordship, Jurisdiction, Censures, &c. (like so many of the Popes stantine, and perry & Popes of another worla,) as well as hee; which nei- temporall ther the King himselfe, nor the Parliament immediately Monarchy. doe. ^{x See Anti-}

Good God, how different were the ancient godly Bishops in the primitive times for ours now? They were contented with a little Cottage, meane household-stuffe, diet, apparell, small revenues, and one Deacon onely to attend them, decreeing

y Concil.
 Carthag. 4.
 Can. 14. 15
 20. &c.
 Gratian.
 Dist. 41.
 2 Socr. Scho-
 last. Eccles.
 Hist. l. 1. c.
 12. in the
 Greeke. c. 8.
 in the Eng-
 lish copy.
 Hist. l. 1.
 c. 10. Ni-
 cephor. Eccles.
 Hist. l. 8.
 c. 42.
 a Niceph.
 Eccles. Hist.
 l. 12. c. 47.
 even in y Conncels, that Bishops should rest satisfied therewith,
 and not admit of any worldly Pompe or State in all, or any of
 these particulars; But our Prelates must have Princely Palaces,
 Lordly furniture, Provision, Diet, Attendants, Revenues,
 (what to doe?) that they may live more viciously, idely, un-
 christianly, and preach farre lesse, then ever they did before.
 I read of holy π Spiridion, Bishop of Trimithoeus, a City in
 Ciprus, famous for many Miracles, that when as hee there exer-
 cised the office of a Bishop, yet for his singular modesty, hee kept
 also a flocke of Sheepe; being both a reall and spirittuall Pastor of
 Sheepe, and men at once; Elected at first a Bishop, from a meere
 godly vertuous Shepheard. Yet this would be thought a
 Monster in our dayes, to see a Bishop a Shepheard, or a
 Shepheard made a Bishop: I finde it storied of Zeno, a
 famous Bishop of Majuma or Constamia, who lived till past an
 hundred yeares of age, that though hee were the greatest and the
 eminentest Bishop of that Country, having the greatest and the
 most populous Churches and Citties, yet hee kept a solitary pri-
 vate weavers shop, wherein hee weaved linnen, getting his meat
 and drinke, and some thing likewise, to releife the poore withall, by
 this his occupation; which hee continued constantly in his old age,
 even till his death. Notwithstanding, hee never in all his time
 omitted the appointed morning and evening, hymns, liurg y, and
 preaching, unlesse sicknes hindered him. But now it would be
 thought not onely a ridiculous thing to see a Bishop, yea a
 great Bishop, get his living by weaving, or a weaver made a
 Bishop: But to see a godly Christian weaver, to pray, to
 read, or expound a chapter, repeat a Sermon, or Discourse
 of the Scriptures privately in his owne house, to his owne fa-
 mily, and his Christian Neighbours, after publicke exercises
 on the Lords day, or any other good occasion, yet *Sant Hieron*
on Coll. 3. 16. writes thus: Here wee are taught, that even the
 Lay-men ought to have the word of God, not onely sufficiently, but
 also abundantly, and one to instruct and warne the other; and hee
 further

further
 wi...
 selves.
 And
 trium
 our D
 the Ch
 Tailor
 and su
 mayd
 doe ve
 very
 ting o
 then
 statio
 cers;
 or of
 contr
 8. 9.
 to on
 of di
 and
 Iohn
 to 2
 Mar
 Chr
 to d
 was
 con
 Co
 Ho
 the
 tak
 dis

further relates; ^b That both men, and monkes, and married
 wives in his time; were wont commonly to contend among them-
 selves, which of them should learne most Scriptures by heart. ^{blnPs. 133.}
 And Theodorēt ^c writes thus, by way of ^erejoycing and ^eDe corri-
 triumph, of the Christians in his age; yee may commonly see that ^{gendū Gra-}
 our Doctrine is knowne not onely of them that are the Doctors of ^{co um af-}
 the Church, and the Maisters of the people, but also even of the ^{fectibus}
 Tailors, and Smithes, and Weavers, and of all Artificers; yea ^{lib. 5.}
 and further also of women, and Sewsters, and Servants, and Hand-
 maydens: neither onely the Citizens, but also the Country-folkes,
 doe very well understand the same: Nay yee may finde even the
 very Dischem and Delvers, and Cowbeards and Gardiners, dis-
 cussing of the holy Trinity, and of the Creation of all things; what
 then shall we thinke of Bishop Wren, who in his late ^d Vi- ^dFor hū Dio-
 sitation Articles, prohibits, not onely all Lay-men and Artifi-
 cers, but even Ministers themselves to discourse of the Scripture, ^{Northw.}
 or of any matters or points of religion at their Tables, and Feasts?
 contrary, not onely to Gods expresse Commaund. Deut. 6. 6. 7.
 8. 9. c. 11. 18. 19. 20. Col. 3. 16. 1. Tim. 4. 4. 5. contrary
 to our Saviours and his Apostles expresse examples, who discoursed
 of divine matters, and reasoned of the Scriptures even at Feasts,
 and meales, Luk. 9. 29. to 39. c. 14. 1. to 23. c. 22. 14. to 29.
 Iohn. 7. 37. 38. c. 12. 2. to 13. c. 13. 2. to c. 18. 1. c. 21. 9.
 to 23. Acts. 2. 46. 47. c. 20. 11. 1. Cor. 11. 23. 24. 25.
 Mar. 14. 3. to 10. contrary to the practise of the primitive
 Christians ^{in Tertullians dayes}, who at their love Feasts used ^eTertull. A-
 to discourse out of the Scriptures one to another, as every of them ^{pologia, ad-}
 was able prazoking one another to singing the Psalmes, and holy ^{vers Genes,}
 conference, beginning and ending their Feasts with solemne prayer: ^{p. 696.}
 Contrary to ^f Saint Chrysostome, who in his 1. and his 10.
 Homilies upon Genesis and other places, ^f exhorts all men in ^fHom. 4. 6.
 their houses, both at their feasts, and before and after meales, to 9 & 14. in
 take the holy Scriptures or Bible into their hands, to read and ^{Genes. Hom.}
 discourse of it, one with another, and thereof to reap great profit, ^{f. 78. in}
 and ^{Math.}

Saurin Com-
 cil. Tom. 3
 p. 292.
 b Saurin
 Tom. 1.
 p. 312.
 i Iuo Decre-
 tal. pars. 13.
 c 75.
 Buchardus
 Decr. l. 14.
 c. 7. Ioannes
 Langbe-
 cricius, De
 Vita & Ho-
 nest. Ecce-
 siasticorum,
 l. 2. c. 16.
 p. 284.
 k Xeno-
 phontis Con-
 vers. Phri-
 zarchi Sym-
 pos. See Iusti-
 Lipsij Sa-
 turnalia and
 Puteani
 Comu.
 l Deut. 16.
 14. 15.
 Esth. 8. 16.
 17. Ps. 81.
 1. 2. 3. Ps.
 145. 1. 10.
 17. Acts 2.
 46. 47.

and to administer spirituall food to one another's Soules. But also
 directly contrary to the Synode 2 of Rhome, An. 813. Can.
 17. the b. Decree of Pope Eusebius, An. 369. the determi-
 nation of Gregory Nazianzen. Oratio 38. & 48. and the very
 Canonists, i and Canon-Law it selfe, which expressely inioyne
 all Bishops, Abbots, and Ministers to have a Chapter read at
 their Tables, at all their Feasts and Meales, and then to expound
 discourse, and drawe exhortations from it, that so they may feed their
 guesse, not onely with corporall, but likewise with spirituall food
 of Gods word, that so whether they eat or drinke, or whatsoever
 they doe, God in all things may be glorified through Iesus Christ.
 In imitation whereof, in all Colledges and Halls in both our
 Universities the Bible-Clerke reads a Chapter to them in the
 Hall every meale, that so they may all Discourse of it at the
 Table, whiles they are eating: yea the very k. Heathen Phi-
 losophers, had so much divinity in them, as to judge Feasts fit sea-
 sons for their philosophicall and morall discourses, which they ac-
 counted their Theologie; yet this most gracious Prelate is grown
 so outrageously impious, and sottish, as to prohibit Ministers
 themselves and people, to talke of matters of religion at their meales
 and Feasts, (when wee should l praise God most, and dis-
 course most of his mercies towards us, and those his good creatures
 hee then bestowes upon us,) injoyning Churchwardens upon their
 Oathes; without and against all Law, and Canon to present those
 as delinquents, who out of conscience, or piety shall presume to doe
 it even in affront of the very Doctrine of the Church of Eng-
 land. k Bishop Jewels Apology in defence thereof, & commaunded
 to be had in every Church, p. 5. c. 3. Drusius, where hee
 prooves out of severall fathers, that lay men of all sorts, may, and
 ought to read the Scriptures, and Discourses of them in their
 houses with their Families, guests, and neighbours; at their
 Feasts and Meales; and approoves that Exhortation of Saint
 Chrysostome to his people, Hom. 6. in Gen. Let one of you take in
 hand the Holy Bible; and let him call his neighbours about him,

and

and by the heavenly words let him refresh both their mindes, and
 also his owne; yea this Father frequently exhorts men to call
 their families, children, wives, servants, friends, and neighbours
 together, and to repeat the Sermons, they heare at Church together,
 after the Sermon ended, & to tye themselves by an unrepeatable Law
 to doe it, every one of them repeating what hee shall remember, to
 inculcate what they had heard, and imprint it more deeply in their
 mindes; and *Casarius Arelatensis*, an ancient Father, though a
 Bishop, doth the like, (to omit *p* Bishop Babington, and Tom. 5.
Doctōr q Boyes who doe the same:) which now some gracious,
 or rather graceles Prelates, contrary to the practise, judgement
 and learning of all ages, define to be an odious Conventicle,
 punishable in their High-Commission Courts, with no lesse
 then heavy fines and imprisonment, and open recantations of
 this godly practise, which no age was ever so impious or stupen-
 dously wicked as to deeme a crime, an unlawfull Conventicle
 till ours now: So farre are our present Prelates degenerated, not
 onely from the poverty, but likewise from the piety of those
 ancient Bishops in the primitive Church. But to returne
 againe from their piety to their poverty, from which I have di-
 gressed *r* *Sant Ambrose*, that great Bishop of Millaine, (whom
Valentinian the Emperor deemes the onely man, worthy the name of
 a Bishop, and both hee and *Theodosius* most honored and respected of
 all the Bishops of that age,) used this for his maxime, *Gloriosa*
 in *Sacerdotibus Domini paupertas*; that poverty is
 a glorious thing in the Ministers of the Lord; that sumptuous
 pallaces and secular affaires, appertained not to Bishops, but to Em-
 perors and Princes; yea this famous Bishop, (writes *Costerus* and
 others in his life,) was not beset with a company of servants, or at-
 tendants to guard his person, neither was hee dreadfull or formidable
 for his greatness; but hee was poore in Substance and revenues; ac-
 counting the treasures and revenues of the Church, the almes of the
 poore: Hee was so farre from the pestilence of covetousnesse and am-
 bition, that after hee had spent all, hee had in virgins and charitable

Math. 8. 9
10. 14. in
Gen. Hom. 5
in Math.
Hom. 2. in
Ioan. Hom.
20. in Ephes.
o Hom. 20.
Bibl. Patr.
Tom. 5.
Part 3.
p. 766.
E. G. H.
p *Exposon*
the fourth
Command-
ment.
q *Postill on*
Sexagesima
Sunday,
p. 202.
203.
r *See his life*
before he
was a
Master
Wuerthen-
bad his dis-
p. 44
45. 46.

S. Possidonius
in vita Au-
gustine,
c. 24.
8 Officiorum,
l. 2. c. 28.
See the 3.
part of the
Hom.
against the
perill of Ido-
latry, p. 68.
ii Epist. 2.
c. 5. &
Epist. Au-
gustino.
x Possidonius
de vita Au-
gustini.
c. 21. &c.

uses, having now nothing left in his house wherewith hee might reliefe
the poore, or redeeme captives, & hee brake in peeces the Chalice
and vessels of the Temple for that purpose commaunding them to be
melted and distributed to the poore, saying, & that the Church
hath gold not to keepe it, but to bestow it on the necessities of the poore,
and that the adorning, and decking of the Sacraments is the re-
demption of captives. Sant Hierom, (the learnedst greatest
Father in his age, and in most request,) writes thus of himselfe,
like a Levit and a Priest, I am maintained by the offrings of the
Altar: having food onely and rayment, I am therewith content;
and being naked fellow my selfe, I follow the naked Crosse of Christ.
Ego in parvo, &c. I live in a small litle Cottage with
Monkes my fellow sinners dare not determine of high matters.
Sant x Augustine, Bishop of Hippo, (the most Iudicious and
eminentest of all the Fathers, and learnedst Doctor in his age,
who not onely writ almost infinite Volumes, but even to the extre-
mity of his sicknes preached the word of God in his Church cheere-
fully, and boldly with a sound minde and Judgement I M P R E-
TER M I S S E, without any intermission at all; had but meane
ordinary apparell, a singall and spare Table, which had some times
flesh upon it, among the herbes, and pulse, (his ordinary fare) for
strangers, and those that were sickly: hee had no plate at all at
his Table, but onely a few silver spoones, the other vessels and dishes
for his Table, being all of woode, earth, or stone, and at his Table
hee all waies had and loved reading or disputation rather then eating
and drinking, banishing from it all superfluous and idle tales, and de-
tractions: (For which if hee were now alive with in Bishop
Wrens Diocesse, hee should certainly be presented on his new
Visitation Articles, inhibiting such discourses and disputations
of religion at the Table;) Hee constantly visited the poore, father-
lesse, widowes, afflicted, and sicke persons, with whom hee usually
prayed, but other visitation of his Diocesse then this, I finde not,
that hee kept, neither read I of his Visitation Oathes and Ar-
ticles for Churchwardens to present on: Hee never enriched

any of his kindred, and when hee died, hee made no will at all,
 quia unde faceret pauper Christi non habuit;
 because the poore Saint of Christ had nothing at all left him to be-
 queath. *Gregory* & *Nazianzen* the great learned famous *See his life*
 Archbishop of Constantinople, (which *See* hee afterward resigned, before his
 though then the greatest in the world, contesting with Rome it *works.*
 selfe for precedency, which & some Emperors gave it before Rome,) *Platina &*
 even whiles hee continued Bishop of that City, was destitute of *Baleus, Bo-*
 all outward Pompe, state, riches, and possessions, for in a so- *nifacius 3.*
 lemne a Oration to 150. Bishops, hee saith thus of himselfe; a *Oratio 35.*
 that hee had no dainty or rich furnished Table, no costly Pontificall *& Carmina,*
 robes, no stately Princely Pallace, no troopes of servants attending *De rebu*
 on him, no stables of horses, or flocks of sheepe, or cattle, no store of *San, p. 895.*
 gold, silver, or riches, no costly household stuffe, or Courtly enter-
 tainment, (all which hee much inveighes against, as not fit and de-
 cent for Bishops:) bread, salt, and water were his usuall foode,
 and diet: his apparell, household stuffe, fure, attendance were all
 meane, comf and frugall without any Pompe, or State at all; like
 a true Euangelicall Bishop, hee bestowing that revenue on the poore,
 which other Bishops spent upon their pride and lusts. b *Sant b See his life*
 Chrysostome his succellor in that eminent Bishopricke, was so before his
 poore, that when the Emperour threatened to seise upon all his goods, *works*
 if hee would not leave his Church, hee replied, that hee waighed not *written by*
 his threatning, for hee had no goods at all to seise on; when hee was *divers.*
 exiled, hee lived upon other mens almes, and was so farre from
 this opinion, that Bishops and Ministers ought to have great
 revenues, Lordships, and possessions, as our Prelates dreame,
 that in c *sundry of his Homilies hee writes expressly to the*
 contrary, that they ought to have onely necessary food and rayment, *c Hom. 33.*
 and so much as shall provide them bookes and other conveniences suf- *in Math.*
 ficient onely to sustaine their lives not to mainaine or satisfie their *Hom. 21. in*
 pompe, pride and luxury, and that Bishops and Ministers ought *1 Cor. Hom.*
 to demand or seeke no more then convenient, competent mainte- *9. in Phil. 2.*
 nance from those to whom they preach, though they be never so diligent. *2 Tim. 5. 17. 18.*

in their preaching; but nothing at all, if they seldome or never preach, as our Prelates doe: of whom I may use that exclamation, in

d Cap. 20.
Señ. 2.

e Nicephorus
Call. Eccles.
Hist. l. 18.
c. 34.

f See God-
wins Catal.
of Bishops
in the life of
Aidanus,
p. 628. &
Beda.
Math.
Westminster
Will. Mal-
mesbrien-
sis de Gestis
Pontif.
passim.
g Dist. in 88

tion, in *d* Onus Ecclesiæ, concerning the Bishops of that age, *Heu quis Episcoporum hodie prædicat; aut de animabus sibi commissis curat?* *e* John surnamed the Almoner, Bishop of Constantinople, was so poore, that borrowing certaine money of the Emperor, to redeeme captives and relieue indigent people, he acknowledged a Statute to him of all his goods for the repayment of it, hee dying shortly after, the Emperor sent his officers presently to seise on all his goods for his debt, who found onely a litle wooden narrow bedsted, a poore thred-bare thinne gowne, and an ill favored Cloake, (all the goods this great second Prelate of the world then had;) which the Emperor *Mauritus* caused to be carried into his Palace, preferring them before the richest furniture in his wardrobe; yea *f* all our owne famous ancient first Bishops, were so humble, meane, and liberall; that they went about the Country on foote from place to place, (where our Bishops have their Coaches, with foure or sixe horses to travell in,) with a Deacon or two attending them, habited in meane apparell without any Episcopall Pompe, or state, preaching the Gospell daily every where to the people, giving all their goods to the poore, and not meddling at all with any wordly employments or affaires; which are so incompatible with Bishops, and Clergymen, that even by the Canon-Law it selfe, if *g* Gratian may be credited; a Bishop, or Priest, or Deacon, who takes upon him any temporall office or intermedles in secular causes or employments, ought to be deprived for it, which hee saith, is the very Canon of the Apostles, and of sundry Fathers and Councils there cited by him to like purpose. If then all these most famous Bishops and Fathers of the Primitive Church were so poore in revenues and estate; so meane in their apparell and household stuffe, so frugall, and temperate in their meat and drinke; so moderate in their attendants, so destitute of all worldly honor, pompe, possessions, Pallaces, Offices, Iurisdiction, State, &c. though most glorious of all other in true piety, learning,

ning
alm
high
for
the
large
litle
such
dott
this
that
of th
in h
the
furn
dign
in th
fath
in th
the
the s
follow
lead
so e
lars
ced
from
a m
that
and
cove
whic
stuff
ad G
Oba

ning, virtue, worth, and diligent preaching, writing, praying, almes-deeds, fasting, and the like, yea the cheifest ornaments, lights and pillars of the Church; what couler or reason is there for our present Lordly Prelates; (who fall infinitely short of their incomparable piety, worth and merits,) to enjoy such large possessions or revenues, even for sitting mute, and doing little or nothing else but mischeife; or to assume unto them such Papall power, authority, pompe, and estate, such secular dominion and imployments as now they doe enjoy? Certainly this Novell Generation of ambitious Prelates, hath forgotten that Precept of Sant Iohn, *h Love not the world, nor the things* *h 1 Iohn.* of the world, if any man love the world, the love of the Father is not *2.15.* in him; For all that is in the world, the lust of the flesh, the lust of the eyes, and the pride of life, is not of the Father, (therefore not pure divino, as they pretend then their Episcopall State and dignity is,) but it is of the world: yea I feare they have abjured in their Bishoplike Consecration, that serious Vow their God-fathers and Godmothers made, and solemnely vowed for them in their baptismes; *i even to forsake the Devill and all his works;* *i The Forme* the vaine pompe and glory of the world, with all covetous desires of *of publike* the same, and the carnall desires of the flesh; so that they would not *Baptisme,* follow, nor be led by them; and that prayer after it; that they may *and the* lead the rest of their life, according unto this beginning. Since they *Catechisme,* so earnestly hunt after, followe and contend for all these particu- *in the Com-* lars, as soone as they become Bishops, which they thus renoun- *mon Prayer-* Booke. ced when they were first made Christians; so as we may feare *† See A: en-* from that time, they were first enoyled Lord Bishops. they in *tinus Annal.* a maner ceased to be Christians, in that they commonly from *Bozorum,* that time forward if not before, follow and embrace the Devill *l. 4. p. 279.* and his workes, the vaine pompe and glory of the world with all the *321. Ber-* covetous desires of the same; and the carnall desires of the flesh, by *nard Concio* which they are usually led; having stately pallaces and household- *77. in Cant.* stuffe, like *Concilio* *Rhemensi;* *ad Clerum,* *†* princes large annuall revenues and possessions like *ad Clertum,*

ad Guilielmum Abbatem Apologia: Bishop Latymers Sermon of the Plough, Mr. Tyndals
Obedience of a Christian man, and practise of Popish Prelates.

Lords, excessive ambition, pride, yea envy and malice and cruelty in their hearts, and actions to like Devils, gorgeous Pontificall robes, and disguises like Courtiers, or Maskers, sumptuous provision, and diet like Epicures, variety of wines, stronge drinkers and waters like the Priests of Bacchus, great troupes of ruffianly debaish servants and attendants like Barons, stately Palfries and Coaches, like Romish Cardinals, and both spirituall and temporall Jurisdiction, (which neither King nor Parliament, nor any temporall Lords whatsoever have, who can neither interdict, excommunicate, nor inflict any Ecclesiasticall, but onely temporall Censures immediately upon any as our Prelates teach,) like absolute Popes and Antichrists, smiting downe the faithfull Ministers, Gospell, and people of God with both hands and swords at once, and persecuting the very profession of religion and Christianity, which hath advanched them to those places, honors, possessions, riches and Jurisdictions they now enjoy; the old proverbe being really verified in them: k Religio peperit Divitias, &

k Thomas
Becons Re-
ports of cer-
taine men.
1 Cap. 20.
Sect. 8.

filia devoravit matrem. The Booke l called onus Ecclesiæ, complaines thus of the Bishops of that time: Episcopi impudentes in divinis mundanam diligunt sapientiam, magis officia fisci, (as the new Lord Treasurer and others experimentally witnes,) quam opera Christi exequentes. Ornant corpora sua avaro, animas autem luto, apud eos verecundia est exercere spiritualia gloria tractare scurrilia. Episcopi pecuniariis actibus incumbunt. After which hee expostulates with them thus: At cur Angelus Dei (sic enim appellatur Episcopus,) temporalibus rebus

one

oneratur, quæ vel hominib; bono sunt in-
 digna, quibus usurarij sunt divites, & quibus
 tyranni nuncupantur magni? Minimè
 itaque decet Episcopos onerari in quo Mam-
 mona, neque eidem servire vel tempora-
 lium seu vilium rerum esse procuratores,
 quoniam per usum hujusmodi temporalium
 ipsi Episcopi suam dignitatem magis vili-
 pendunt quam augent, ac debito destituan-
 tur circa subditum populum honore & po-
 pulus Christianus orbat; dignis Episcopis
 quoniam sacra dona spiritus sancti extin-
 guuntur, atque confunduntur cum proph-
 anis mundi donis. Episcopi igitur (juxta
 Pauli decretum,) si secularia negotia ha-
 buerint ad ea alios constituent, non enim
 æquum est, eos relinquere verbum Dei &
 ministrare mensis: quamobrem ultro reji-
 cere vel certè contemptui habere debent,
 bona & officia temporalia, & sic possidere
 quasi non habeant, nam eos qui ad spiritua-
 lis vitæ tranquillitatem sunt destinati, non
 decet protrahi ad mundanos tumultus, ne-
 que in rebus ca; lucis versari; alioquin ipsi di-
 curtur

320 *mihi oboedientia* *captur mortui, qui sepeliunt mortuos.*

We may take up the same complaint against, and make the same expostulation with our Bishops now. It were therefore hardly to be wished, that our over-ambitious swelling secular Lordly Prelates, (whose cheife employments now are not to preach the Gospel diligently and frequently to the people, but to sway whole States and Kingdomes, and the world it selfe to manage all temporall offices to tread downe the Common and Statute Lawes of the Realme, and advaunce the Popes Canon Lawes and Decretals; to invade his Majesties Ecclesiasticall Prerogatives, and the Subjects Liberties; invent new taxes and impositions; imprison, fine, deprive, persecute, banish, and excommunicate his Majesties faithfullest Subjects; Suppress all godly Ministers, Lecturers, and preaching; all private fasting, prayer; repetition of Sermons, reading of Scriptures, and holy conferences; Set up all Popish Ceremonies; to prescribe new Visitation Oath and Articles, erect new Altars, Crosse, Crucifixes, turne Communion-Tables Altarwise; to usher anticular-confession, Popish penance, and absolution, with other Popish and Arminian Tenents into our Church againe; and an whole deluge of prophanes; to undermine religion; (&c.) would now at last so farre remember themselves, as out of Conscience to give over and renounce their Bishopricks, (as Pope Celestine the fift, † Franksane, Bishop of Winebester, John of Beverley, Archbishop of Yorke, with divers other Bishops formerly have done,) or at leastwise to abandon their worldly secular Lordly Pompe, Jurisdiction, Tyranny, Censures, Possessions, with all other

* *Flamines illi Babilonie soli regnare cupiunt ferre patrem non possunt, non desistent, donec omnia pedibus suis conculcaverint, atque in templo Dei sedcant, extollanturque supra omne id, quod colitur: famas opum, sicut bonorum inextinguibilibis est &c.*
Aventinus Annalium Boiorum, l. 7. p. 543. † Platina Onuphrium Volaterranus, Stella & Baleus, Celestinus 5. & Bonifacius 8. † Math. Westminster. An. 932. Godwin Catalogue of Bishops, p. 26. 56. 564

THIBO

uper-

superfluities, which the primitive Bishops never challenged, exercised, or enjoyed; or in case they refuse to doe it; that his Majesty with his honourable Lords and Conuncell would compell them to forgoe them; reducing all Bishops to their primitive condition, and confining them onely to their spirituall functions, both for the securing of the Kings Ecclesiasticall Prerogative from all their unjust encroachments on it, and the easing of the poore oppressed Subjects from their intollerable tyrannies, oppressions, persecutions, vexations and yokes of bondage. It was a complaint against the Lordly swaying Prelates of old, * **Quod quoniam Imperium**

sibiipfis gerunt, non hæredibus, magis exp * Onus Eccles. c. 20. Sect. 7. f. 38
lant quàm ornant patrimoniam Christi, perfide quasi præda sit abjecta, non provincia: This being a received position, which experience then taught to be most true, **Si sibiipfi** † **Episcopi**

gerunt Imperium, sunt tyranni; si reipublicæ, negotiosissimi: We may to our great greife as- firme the like, and take up the same of our Prelates now; if not that of † **Vincentius Beluacensis** of the Prelates † Onus Eccles. Ibid.

of his age, to: **O quanta nunc est obduratio in Ecclesia Dei: Prelati sunt superbi, vani, pomposi, symmoniacy, avari, luxuriosi qui finem in terrena mensura ponuat, curam Ecclesiasticam negligunt; sine charitate, gulosi, pigri, quia nec celebrant, nec prædicant, sed scandalizant; Suas Vices &** † De fine mundi & Onus Eccles. l. 21. Sect. 4 12.

Sf

Ec-

Ecclesias committunt illis, quos non in pascendis ovibus, sed in tondendis, mactandis, imò in excoriandis peritos noverint, ceu mercinariis, à quibus temporale lucrum & annuum censum augeri gaudent, & fomenta suæ avaritiæ accumulunt. Simplicibus subditis in humero onera gravia, & importabilia frequenter imponunt, siquidem pro lenibus causis aliquando Minorem, aliquando Majorem cudunt excommunicationem, suspensionem, interdictum aliasvè censuras, quibus à miseris suis ovibus pecunias extorquent, in suam perniciem ac invilipendium Ecclesiasticæ Disciplinæ, &c. Wherefore I shall conclude with that prayer of * Aventinus, Faxit Deus Optimus Maximus, ut meliorem mentem det Pontificibus nostris, uti omisso luxu fastuque, divitem principem tenebrarum sequi desinant, fallacissima hujus mundi caduca atque fragilia, bona fastidiant, Christum pauperem æmulentur ejusque calicem bibere, ejus crucem humeris portare tandem discant; Itâ fiet ut vulgò malè ultra non audiant, atque castigentur, quod

* *Annal.
Bojorum,
l. 4. p. 322.*

quod gregem Christianum populum Dei
peculiarem compilent, vermident, deglu-
bant, tanquam escam panis devorent, adeo
ut tolerabilior, miseris foret conditio sub
Imperio Turcorum. Sed malè ominatis
verbis parcamus. And with that memorable Sinodall

*Constitution of Cardinall Poole himselfe, and the whole Convoca-
tion at Paules in London, An. 1556. ‡ Because the ‡ Antiquit.
example of life, brings great Authority to the word, and is as it were Brit. Eccles.
a certaine kinde of preaching, therefore care is to be taken that those P. 419.
who are set over others, should excell others, both in the honesty of
maners and holines of life and likewise in that prayse of governing
of their owne house well, which the Apostle requires in Bishops. Let
Prelates therefore use no pride, no pompe, no slike garments, no
precious household stuffe, let their Table be frugall, and sparing,
having not above three or at the most foure sorts of meat, (which
likewise in respect of the present time; we rather grant by way of in-
dulgence then of approbation,) besides fruits and junkets, what
strangers or guests soever they have. Let the other sance and fur-
niture of their Table be charity, the reading of the Scriptures and
holy Bookes, and Godly discourses, (A direct hecke to Bishop
Wrens late Articles,) Let them abstaine from a numerous and
superfluous multitude of servants and horses, and be content with so
many attendants, which shall be necessary for the administration of
the charge committed to them, the government of the house, and
use of his dayly imployments, which frugality and decree of his
being approved both by Archbishop Crammer, his predecessor, and
Mathew Parker his Successour may for ever curbe the Ambi-
tion, luxury, and excesse of our present Lordly Prelates
who transgresse the bounds of this Constitu-
tion.*

*Master William Tyndall his Obedience
of a Christian man, p. 114. 146. 135. and
page. 285.*

AS thou canst heale no disease,
except thou beginne at the roote,
even so canst thou preach against no
mischiefe, except thou beginne at the Bis-
hops. Whether Iudas were a Priest or no,
I care not what hee was ; but of this I am
sure, that hee is now not onely Priest, but
also a Bishop, Cardinall, and Pope. Bis-
hops that preach not, or that preach ought
save Gods word, are none of Christs, nor
of his annoynting, but servants of the beast,
whose marke they beare, whose word they
preach, whose Law they maintaine, cleane
against Gods Law. Bishops, they onely
can minister the temporall sword, their of-
fice the preaching of Gods word, layed a
part, which they will neither doe, nor suf-
fer any man to doe ; but sleigh with the tem-
porall sword, (which they have gotten
out of the hand of all Princes,) them that
would

would. The preaching of Gods word is
 hatefull unto them. Why? For it is impos-
 sible to preach Christ, except thou preach
 against Antichrist, that is to say, them
 which with their false doctrine and violence
 of sword enforce to quench the true
 doctrine of Christ. Our Prelates ought to
 be our servants, as the Apostles were, to
 teach us Christs doctrine, and not Lords
 over us to oppresse us with their
 owne.

F I N I S.

[illegible]

1999

Briefe Instructions for Church-wardens and others to observe in all Episcopall or Archdiaconall Visitations and Spirituall Courts.

1 NO Bishop Archdeacon, or other Ecclesiasticall person, may or ought to keepe any visitation at any time unlesse he hath expresse Commission or Patent under his Majestties great Seale of England to doe it, and that as his Majestties visitor only and in his name and right alone, as is cleere by 26 H.8.c.1. 37. H. 8. c.17. 1 Ed. 6. c.2. 1 Eliz. c.1. 8, Eliz. c.1. Which Commission or Patent ought to bee read to the people before every visitation, (as the Iudges Commission is at every Assizes) before they begin to visit, that so all the people may be assured, they have authority to visit, and that only in his Majestties name and right. As soone as ever therfore they appeare at any Visitation, the first thing which they ought to doe (and that in point of loyalty to his Majestie by vertue of their Oath of Supremacy prescribed for this very end) is to demand of the Bishop, or other Visitor, what Patent or Commission he hath from the King under his broad Seale to keepe a visitation? If he have any, then demand the Register to read it publicly, in such manner as the Iudges Patent is read at the Assizes: If he either cannot produce, or read any such Patent from the King, or visit not in his name, right, and by his royall authority, You ought all presently to protest against his proceedings, as contrary to his Majestties lawes and Pre-rogative, and so to depart as you came, without more adoe.

2. Every Visitation being a Synod, or Convocation of the Clergy and Laytie (as themselves both stile and acknowledge it) ought to be called and summoned only by his Majestties speciall writ, as the Assizes and Seates in Eyre are, and that by the expresse Statutes of 8.H.6.c.1. 25.H.8.c.19. 27.H.8.c.15. If then the Visitation be not summoned and called by vertue of his

Commission

** Visiting the power of Visiting the Ecclesiastical State and persons for ever to the Crown, in expresse termes.*

** 1. Eliz. c. 1.*

Summons by writ

** See Doffor Pooking time Sunday no Sabbath. p.1.2. Doffor Readers and Teddors Visitation summons.*

his Majesties writ, but only by an Apparator, or note from the Bishop or Visitor (as they now ever are) None ought there to appeare at all.

3. If they have a lawfull Patent and read it, and a writ to summon the visitation, If they tender the Church-wardens and Sidemen any Articles to present on (as now they doe) Let them demand, whether the Articles they tender them were made by the whole Convocation by the Kings Licence, satisfi-
ed by the Parliament, and confirmed by the King himselfe under his broad Scale: If not (as none of them are) Then bid them keep them for waste paper, or to stop Musterd-pots, since such Articles and Canons now used, made by their owne authority and printed in their own names, are directly * contrary to the Statutes of 25.H.8.c.19, 31. 27.H.8.c.25. 32.H.8.c.26. 37.H.8.c.17. 1.Eliz.c.12. 12.Eliz. c.13. their owne twelfth Canon, and draw themselves (with all those who submit to them or present upon them) both into a premunire, and an Excommunication *Ipso facto*,

4 If they tender any oath to Churchwardens or Sidemen to present upon their Articles, or otherwise, as now they doe; First demand of them, What Act of Parliament prescribes or enjoynes that form of Oath they administer: for no new Oath (no more than of * *supremacy and Allegiance* instituted by Parliament,) can be imposed on the Subjects in any case but by * Parliament. If any Act of Parliament prescribe this Oath, and gives them power to administer it, Then let them shew it, and you will take it; If none (as none for certaine doth,) Then you neither will nor dare to take it, and they incurre a Premunire by making and administering such Oathes of their owne heads. Secondly, demand of them, What Commission they have from his Majestie under his great Scale to administer an Oath to you? If none, Then they have no authority to give an Oath. Nor you no warrant or reason to take it. Thirdly, what Law of the Land, Canon or Statute gives them any authority to give you such an inquisition Oath? If any, Produce it; If none (as none doth,) You dare not, you will not take it, there being
divers

Articles
some made

* Yes to his
Majesties De-
claration before
the 39. Articles

Oath now
made

* 28.H.8.c.10
35.H.8.c.1. 1.
Eliz. c.1. 5.
Eliz. c.1. 3. Jac.
c.4.

* See the peti-
tion of Rights.
3 Caroli.

Comission
to give it
doth

divers * *Prohibitions* in the Common Law inhibiting it: and in
 5. If they demand any Fees of you in any Visitation, * Register part
2. fol 36. v. 21
H. 4. c. 3. N. 21
41. R. Ruffall
Prohibition 51
Matthew Paris
Hist. Anglia.
p. 693. 694.
705.
 (Where none of any sort are due, neither for shewing of Letters or Orders, Licences to preach, or * keep schoole, &c. Nor any * Procurations, but onely from such Churches as they personally keepe their Visitations in, nor from others which they come not at,) or upon any other occasion. Demand of them, Whether any Statute or Patent from the King or his Ancestors authorize or enable them to take such fees they demand? If so; Let them produce them, and you will pay what they allow them to take: If not, Then nothing is due, and you will pay nothing: it being mere extortion punishable in Star Chamber.

6. If any be cited into any of their spirituall Courts, let them demand; First, Whether they have a * Patent from the King, under his great Seale to keepe such a Court? If not; You have nothing to doe with them, Nor they with you. Secondly, if their Patent gives them cognisance of your cause? Thirdly, if the Citation be in the Kings * name, and under his Seale of armes, as it ought? If not, Depart without more adoe; and if they excommunicate you, It is voide, you may goe to Church notwithstanding: Or if they suspend any Ministers, without a lawfull cause and Patent from the King, let them preach notwithstanding, and either indict them in a Premunire, Or bring an Action of the Case, &c. as Counsell shall advise. If all Subjects will take this course as they are bound in poynt of loyalty and conscience to doe; they will soone shake off the Prelatestyranney and yoake of bondage, under which they groane, through their own defaults and cowardice.

If any be cited into the High Commission Court and there tendered an Ex Officio Oath: First let them aske what Scripture, Canon, or Statute allowes or prescribes this Oath? Secondly, let them tell them, that the Statute of 1. Eliz. c. 1. which erects their Commission, expressly repeales the Statute of 2. H. 4. c. 15. the ground of all Ex Officio Oathes and proceedings, whence Mr. Fox styles it: The Statute Ex Officio. Therefore repealing this Law, which brought in Ex Officio

* *None lived
of in the world
till 1400 years
before Christ
nor any ever
committed for
refusing an Ex
Officio Oath, till
13. Elizabeth:
and then ad-
judged against Law.*
 * *Acts 25. 15.
16. 17. 6. 24.
13. Gratian:
Causa. 3. qu. 3.
4. 5. 6.*

Oathes * and proceedings, it never intended to revive them,
 or to authorize the Commissioners to proceed by them; for
 then it would have rather confirmed than repealed this Act.
 Thirdly, that the late Petition of Right 3^o Caroli, condemned
 such Oathes and proceedings, as not Warrantable by the Lawes
 and Statutes of the Realme, (though warranted by their Com-
 mission,) expressly enacting, *That no man hereafter shalbe called
 to take such Oath, or to give attendances, or be confined, or otherwise
 molested or disquieted concerning the same, or for refusal thereof.*
 Therefore they dare not take it, neither can they administer it.
 Fourthly, that by their own * Canon Law, the accuser ought to
 appeare there face to face, and by his owne Oath, and his wit-
 nesses to prove his accusation true, but the party accused is to
 take no Oath: Therefore this Oath is against their owne Can-
 on Law. Fifthly, that our Martyrs condemned Ex Officio and
 Visitation Oathes, for men to accuse themselves or others, as
 unlawfull, and would not take them; as appeares by Mr. Fox
 his Acts and Monuments: 1610. p. 481. 482. 487. 488. 495.
 496. 539. 951. 956. 957. 1006. 1022. 1023. 1108. 1100. 1125.
 1164. 1199. 1382. 1643. 1646. 1651. 1660. 1777. 1778. 1792.
 1796. 1813. 1814. 1815. 1843. 1844. 1845. 1866. 1872. 1873.
 1874. 1934. 1934. 1520. They being used onely by the blou-
 dy persecuting Popish Prelates; *ibid.* p. 335. 750. 751. 753. to
 764. Therefore they dare not take them. Sixty, that the ve-
 ry Rhemists themselves in their Annotations on Acts. 23. v. 12.
 resolve thus. *If thou be put to an Oath to accuse Catholicks for
 serving God as they ought to doe, or to * utter any innocent man to
 Gods enemies or his, thou oughtest first so refuse such unlawfull
 Oaths: but if thou have not constancy and courage to do it, yet know
 thyselfes: Rev. thou shalst such Oathes bind not as all in conscience and Law of God,
 12. 13. and but mayest must be broken under paine of damnation. For to make
 or take such vowes or oathes is one sin, and to keepe them is another
 farre greater.* That therefore which the Rhemists condemne
 wee dare not submit to: Neither should our Prelates presse,
 contrary to John 18. 19. 20. 21. 22. 1 Tim. 5. 19. Rev. 12. 10.
 Math. 18. 16. 25. H. 8. c. 14. 1 Elisc. 1. which require proof of
 all things by two witnesses at least.

* *It is the Devils
office to be an
accuser of the
brethren: Rev. thou shalst
such Oathes bind not as all in
conscience and Law of God,
12. 13. and but mayest must
be broken under paine of dam-
nation. For to make or take
such vowes or oathes is one
sin, and to keepe them is
another farre greater.*

